

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MONIQUE SYKES, REA VEERABADREN,
KELVIN PEREZ, and CLIFTON ARMOOGAM,
individually and on behalf of all other similarly
situated,

Plaintiffs,

ECF Case No.

-against-

Civ. 8486(DC)

MEL S. HARRIS AND ASSOCIATES LLC;
MEL S. HARRIS; MICHAEL YOUNG; DAVID
WALDMAN, KERRY LUTZ; TODD FABACHER;
MEL HARRIS JOHN/JANE DOES 1-20;
LEUCADIA NATIONAL CORPORATION;
L-CREDIT, LLC; LR CREDIT, LLC; LR CREDIT
10, LLC; LR CREDIT 14, LLC; LR CREDIT 18,
LLC; LR CREDIT 21, LLC; JOSEPH A. ORLANDO;
PHILIP M. CANNELLA; LR CREDIT JOHN/JANE
DOES 1-20; SAMSERV, INC.; WILLIAM MLOTOK'
BENJAMIN LAMB; MICHAEL MOSQUERA; JOHN
ANDINO; and SAMSERV JOHN/JANE DOES 1-20
Defendants.

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November 17, 2011
10:34 a.m.

Deposition of BENJAMIN LAMB, taken by
Plaintiffs, pursuant to Notice, at the offices of
Emery Celli Brinckerhoff & Abady LLP, 75 Rockefeller
Plaza, New York, New York, before William Visconti, a
Shorthand Reporter and Notary Public within and for
the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S: 3 EMERY CELLI BRINCKERHOFF & ABADY LLP 4 Attorneys for Plaintiff 5 75 Rockefeller Plaza 6 New York, New York 10019 7 8 BY: EISHJA JAIN, ESQ. 9 ejain@ecbalaw.com 10 11 NEIGHBORHOOD ECONOMIC DEVELOPMENT 12 ADVOCACY PROJECT 13 Attorneys for Plaintiffs 14 175 Grand Street 15 New York, New York 10013 16 17 BY: CLAUDIA WILNER, ESQ. 18 JOSH ZINNES, ESQ. 19 20 MFY LEGAL SERVICES INCORPORATED 21 Attorneys for Plaintiffs 22 299 Broadway 23 New York, New York 10007 24 BY: CAROLYN E. COFFEY, ESQ. 25 ANAMARIA SEQURA, ES.</p> <p>17 KAUFMAN DOLOWICH VOLUCK & GONZO LLP Attorneys for Mel Harris Defendants 135 Crossways Park Drive, Suite 201 Woodbury, New York 11797 BY: BRETT A. SCHER, ESQ.</p> <p>MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP Attorneys for the Leucadia Defendants 1300 Mount Kemble Avenue P.O. Box 2075 Morristown, New Jersey 07962-2075 BY: ASHLEY ROSE VALLILLO, ESQ.</p>	<p style="text-align: right;">Page 4</p> <p>1 2 IT IS HEREBY STIPULATED AND AGREED 3 by and between the attorneys for the 4 respective parties herein that filing and 5 sealing be and the same are hereby waived. 6 IT IS FURTHER STIPULATED AND AGREED 7 that all objections, except as to the form 8 of the question, shall be reserved to the 9 time of the trial. 10 IT IS FURTHER STIPULATED AND AGREED 11 that the within deposition may be signed 12 and sworn to before any officer authorized 13 to administer an oath with the same force and 14 effect as if signed and sworn to before the 15 Court. 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 2 A P P E A R A N C E S (Continued) 3 BABCHICK & YOUNG LLP 4 Attorneys for Samserv Defendants 5 200 East Post Road 6 White Plains, New York 10601 7 8 BY: JORDAN SKLAR, ESQ. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 BENJAMIN LAMB 2 B E N J A M I N L A M B, 3 having been first duly sworn by the Notary Public, was 4 examined and testified as follows: 5 EXAMINATION CONDUCTED BY MS. COFFEY: 6 Q. Mr. Lamb, my name is Carolyn Coffey 7 and we are one of the attorneys along with 8 co-counsel representing Plaintiffs in this case. 9 You understand that you're a Defendant in this 10 case? 11 A. Yes, I do. 12 Q. Have you ever been deposed before? 13 A. No, I haven't. 14 Q. Do you understand that you're here 15 to give testimony under oath? 16 A. Yes, I do. 17 Q. I'm going to ask you questions and 18 you will answer the questions and the court 19 reporter here will write down everything that we 20 say. It is important that only one of us talk at 21 one time. So do your best to try to let me finish 22 a question before you answer. It is also very 23 important that everything that we say today is 24 done out loud and so, you want to be careful not 25 to nod your head or shake your head or do any</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 BENJAMIN LAMB</p> <p>2 gestures that can't be recorded by the court</p> <p>3 reporter?</p> <p>4 A. Okay.</p> <p>5 Q. If you don't understand a question,</p> <p>6 I'm happy to clarify it or rephrase it so you</p> <p>7 understand it. If you answer a question, I'm</p> <p>8 going to assume that you did understand the</p> <p>9 question?</p> <p>10 A. Okay.</p> <p>11 Q. If you want a break at any time</p> <p>12 this morning or today, let me, I do ask that you</p> <p>13 finish answering a question before we take a</p> <p>14 break?</p> <p>15 A. Okay.</p> <p>16 Q. Are you taking any medication</p> <p>17 today?</p> <p>18 A. No, I'm not.</p> <p>19 Q. Are you represented by counsel</p> <p>20 today?</p> <p>21 A. Yes, I am.</p> <p>22 Q. Who is that?</p> <p>23 A. Mr. George Sklar.</p> <p>24 Q. Other than any conversations that</p> <p>25 you had with Mr. Sklar, did you discuss this</p>	<p style="text-align: right;">Page 8</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. Did you get a degree?</p> <p>3 A. No, I didn't finish college.</p> <p>4 Q. How long did you attend college?</p> <p>5 A. Maybe one year.</p> <p>6 Q. Where was that?</p> <p>7 A. BMCC.</p> <p>8 Q. Do you have any kind of a degree?</p> <p>9 A. No, I don't.</p> <p>10 Q. Are you currently employed?</p> <p>11 A. Yes, I am.</p> <p>12 Q. What is your position?</p> <p>13 A. I'm a process server.</p> <p>14 Q. Where are you a process server?</p> <p>15 A. For Samserv.</p> <p>16 Q. Are you an employee of Samserv?</p> <p>17 A. No, I'm not.</p> <p>18 MR. SKLAR: Objection to form. He</p> <p>19 answered.</p> <p>20 Q. So you're not an employee, what</p> <p>21 would you characterize yourself?</p> <p>22 A. I'm an independent contractor.</p> <p>23 Q. How long have you worked as an</p> <p>24 independent contractor for Samserv?</p> <p>25 A. Since 1999.</p>
<p style="text-align: right;">Page 7</p> <p>1 BENJAMIN LAMB</p> <p>2 deposition with anyone?</p> <p>3 A. No.</p> <p>4 Q. Have you reviewed any documents</p> <p>5 before today's deposition regarding this lawsuit?</p> <p>6 A. Only the things with Mr. Sklar.</p> <p>7 Q. Can you tell me what documents you</p> <p>8 reviewed?</p> <p>9 A. We talked -- reviewed --</p> <p>10 MR. SKLAR: Don't say what we talked</p> <p>11 about. If you remember specific documents.</p> <p>12 A. That is what I'm trying to do.</p> <p>13 Some of the things that were given to me by</p> <p>14 Samserv, the company that I work for and went over</p> <p>15 a logbook and my entries. That was pretty much</p> <p>16 it. The affidavits that he showed me.</p> <p>17 Q. Mr. Lamb, what is your educational</p> <p>18 background?</p> <p>19 A. As far as?</p> <p>20 Q. Did you complete high school for</p> <p>21 example?</p> <p>22 A. Yes.</p> <p>23 Q. Did you attend any school after?</p> <p>24 A. I went to college for a little</p> <p>25 while.</p>	<p style="text-align: right;">Page 9</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. Do you only work as an independent</p> <p>3 contractor for Samserv?</p> <p>4 A. I only work for Samserv now. I</p> <p>5 have worked for others in the past.</p> <p>6 Q. So, what other process serving</p> <p>7 companies have you worked for in the past?</p> <p>8 A. I worked for Nationwide.</p> <p>9 Q. And when was that?</p> <p>10 A. Maybe 2000, and I can't tell you</p> <p>11 when it ended. It didn't last long. I know I</p> <p>12 started with Samserv. I don't remember how long</p> <p>13 after.</p> <p>14 Q. Do you think it was a matter of</p> <p>15 months or matter of years?</p> <p>16 A. Maybe one or two years, something</p> <p>17 like that. No more than that.</p> <p>18 Q. From 2000 until maybe 2001 or 2002</p> <p>19 were you performing service for both Samserv and</p> <p>20 Nationwide?</p> <p>21 A. Yes, but Nationwide their workload</p> <p>22 wasn't as heavy.</p> <p>23 Q. Have you ever worked for any other</p> <p>24 process serving company?</p> <p>25 A. I did some outside independent</p>

3 (Pages 6 to 9)

<p style="text-align: right;">Page 10</p> <p>1 BENJAMIN LAMB</p> <p>2 things but nothing -- there was nothing major, a</p> <p>3 couple of jobs here, a couple jobs there.</p> <p>4 Q. Do you remember the names of the</p> <p>5 process serving company?</p> <p>6 A. It wasn't a company. It was an</p> <p>7 individual job. If you asked me to do something</p> <p>8 for you I would do it. That type of thing.</p> <p>9 Q. Where did you work before 1999?</p> <p>10 A. I was a barber.</p> <p>11 Q. How long have you been a barber?</p> <p>12 A. I have been a barber since I was</p> <p>13 13.</p> <p>14 Q. So what year would that have been?</p> <p>15 A. Right now -- I'm not good with</p> <p>16 numbers. Right now, I can't tell you what year,</p> <p>17 maybe '97, '86. Something like that.</p> <p>18 Q. Have you had any other jobs?</p> <p>19 A. I was a manager for a little while.</p> <p>20 Q. Manager with?</p> <p>21 A. It was independent. I didn't work</p> <p>22 for a company. I did it on my own.</p> <p>23 Q. What kind work were you doing?</p> <p>24 A. I managed comedians and I managed</p> <p>25 musicians.</p>	<p style="text-align: right;">Page 12</p> <p>1 BENJAMIN LAMB</p> <p>2 A. In 1995.</p> <p>3 Q. Did you do any security work?</p> <p>4 A. Briefly. Bouncing, things like</p> <p>5 that, that's all.</p> <p>6 Q. Did you ever renew your security</p> <p>7 license?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Was that in New York?</p> <p>10 A. Yes, it was.</p> <p>11 Q. Who issued that license?</p> <p>12 A. The state.</p> <p>13 Q. Who issued your process serving</p> <p>14 license?</p> <p>15 A. The state.</p> <p>16 Q. Do you know what agency?</p> <p>17 A. Department Of Consumer Affairs.</p> <p>18 Q. Do you know what your process</p> <p>19 serving license number is?</p> <p>20 A. 1071492.</p> <p>21 Q. Do you know when your current</p> <p>22 process serving license expires?</p> <p>23 A. February of next year.</p> <p>24 Q. When did you last renew your</p> <p>25 process serving license?</p>
<p style="text-align: right;">Page 11</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. Where was that?</p> <p>3 A. I did it on my own. It wasn't with</p> <p>4 a company.</p> <p>5 Q. Was this in New York?</p> <p>6 A. Yes, it was in New York.</p> <p>7 Q. Do you remember what years that</p> <p>8 was?</p> <p>9 A. My early 20s, I can't tell you.</p> <p>10 Q. Have you ever received any formal</p> <p>11 training to be a process server?</p> <p>12 A. No.</p> <p>13 Q. So you never attended a training or</p> <p>14 class about process serving?</p> <p>15 A. No.</p> <p>16 Q. Do you currently hold any licenses?</p> <p>17 A. Yes, I do.</p> <p>18 Q. What licenses would those be?</p> <p>19 A. Process server license and my</p> <p>20 driver's license.</p> <p>21 Q. Have you previously held any other</p> <p>22 licenses?</p> <p>23 A. Security.</p> <p>24 Q. When did you have a security</p> <p>25 license?</p>	<p style="text-align: right;">Page 13</p> <p>1 BENJAMIN LAMB</p> <p>2 A. Next year will be two years ago.</p> <p>3 Q. When did you first obtain a process</p> <p>4 serving license?</p> <p>5 A. 1999.</p> <p>6 Q. 1999?</p> <p>7 A. Yes. I'm sorry, it may have been -- yes,</p> <p>8 around 1999. It should have been 1999. Somewhere</p> <p>9 in the last part of the year, the start of the</p> <p>10 year, something like that. I'm not really sure</p> <p>11 which time it was.</p> <p>12 Q. Just to clarify, the last part of --</p> <p>13 A. The last part of 1999 or the</p> <p>14 beginning of '99. Somewhere in that range.</p> <p>15 Q. Have you ever let your process</p> <p>16 serving license lapse?</p> <p>17 A. No.</p> <p>18 Q. Are you a member of any</p> <p>19 professional process serving association?</p> <p>20 A. No.</p> <p>21 Q. Are you a member of any process</p> <p>22 serving trade group?</p> <p>23 A. No.</p> <p>24 Q. Anything like that?</p> <p>25 A. No.</p>

4 (Pages 10 to 13)

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1 BENJAMIN LAMB
2 Q. What does it mean to you to be a
3 licensed process server?
4 MR. SKLAR: Objection to form. I
5 mean as a legal matter? As an emotional
6 matter? What do you mean.
7 Q. I mean what does it mean to be
8 licensed? What are the requirements of being a
9 licensed process server?
10 MR. SKLAR: Okay.
11 A. At the time there were no
12 requirements, all you had to do is fill out an
13 application and apply for it.
14 Q. At what time?
15 A. When I first applied for my
16 license.
17 Q. Were there any requirements to keep
18 your license?
19 A. No.
20 Q. Is it your understanding that the
21 requirements for obtaining a license have changed?
22 A. The only thing that I know that
23 changed now the fact that we just took this test
24 and that's all.
25 Q. So from 1999 to the present the

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1 BENJAMIN LAMB
2 requirements of maintaining a process serving
3 license have changed because now you have to take
4 a test?
5 A. Yes.
6 Q. Do you know if anyone has filed a
7 complaint against you with the Department Of
8 Consumer Affairs?
9 A. No, I'm not aware.
10 Q. Has the Department Of Consumer
11 Affairs ever subpoenaed you?
12 A. No.
13 Q. Has the Department Of Consumer
14 Affairs ever disciplined you in any way?
15 A. No.
16 Q. Have you ever had your process
17 serving license suspended?
18 A. No.
19 Q. Was your license renewal
20 application ever denied?
21 A. No.
22 Q. Can you tell me what it means to
23 serve process?
24 MR. SKLAR: Objection to form.
25 Again, I mean he is a fact witness.

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1 BENJAMIN LAMB
2 MS. JAIN: If your objection is to
3 form that's fine. It is her deposition.
4 MR. SKLAR: He is not here as a
5 30(b)(6) witness or expert. He is here as a
6 fact witness so these questions are just your
7 personal understanding not an interpretation
8 of the law.
9 MS. JAIN: You're speaking -- -
10 MR. SKLAR: I won't interrupt you,
11 don't interrupt me. Remember for everyone's
12 knowledge and just to set the ground rules as
13 a fact witness answer truthfully, but don't
14 try to think what the law is. What you know,
15 that's it.
16 Q. Mr. Lamb, you're a licensed process
17 server, you have been a licensed process server
18 since 1999, that is your profession and I'm asking
19 what it means to be a process server, what does it
20 mean to serve process?
21 A. Again, I mean, you're asking me for
22 what it meant for something else before too, and
23 what you asking me now I still don't understand
24 it. If you asking what do I do, that is
25 different. I don't really understand what you're

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1 BENJAMIN LAMB
2 asking me. I really don't, maybe you can rephrase
3 it. I don't know what you really asking. I don't
4 know how to answer that.
5 Q. We will get to, in a little while,
6 what it is that you do on a daily basis. I would
7 like to understand what your understand of the
8 definition of serving process. What is it that
9 you do every day?
10 A. What you just asked me, I serve
11 process, I serve papers.
12 Q. What kind of papers?
13 A. All the kinds paper.
14 Q. Are you talking about court papers?
15 A. Yes.
16 Q. What kind of court papers?
17 A. Summons, subpoenas, orders to show
18 cause.
19 Q. When you serve those kinds of
20 papers that you just mentioned, subpoenas,
21 summons, orders to show cause, what is the purpose
22 of serving those papers?
23 MR. SKLAR: Objection to form.
24 Q. You can still answer the question,
25 if you can.

5 (Pages 14 to 17)

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1 **BENJAMIN LAMB**
2 A. What is the purpose of serving
3 them?
4 Q. Yes.
5 A. I would, if I understand you
6 correctly, I would guess the purpose is to have
7 the matter be brought before the court. Right?
8 Q. That is a fair understanding, sure.
9 Would you agree that serving process provides the
10 people that you are serving the process with
11 notice about court cases?
12 MR. SKLAR: Objection to form. You
13 can answer.
14 A. If I understand you correctly I
15 would say it does, definitely.
16 Q. Did you have a process serving
17 license when you first starting working at
18 Samserv?
19 A. Yes, I did.
20 Q. How did you first start working at
21 Samserv?
22 A. I don't understand what you mean.
23 Q. Did you answer an ad in the
24 newspaper?
25 A. Yes.

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1 **BENJAMIN LAMB**
2 Q. What did the ad say?
3 A. I don't remember.
4 Q. Did you have an interview at
5 Samserv?
6 A. Yes.
7 Q. Who interviewed you?
8 A. The process server, I guess the
9 process server supervisor was her title at the
10 time.
11 Q. Do you remember the person's name?
12 A. Miss Lewis, I don't recall the
13 first name right now.
14 Q. Do you remember if you gave her a
15 resume?
16 A. No, I don't remember that.
17 Q. You don't remember?
18 A. I don't remember if I gave a
19 resume, no.
20 Q. Do you remember if you provided her
21 with references?
22 A. I don't remember the interview
23 being that way, no.
24 Q. Did you meet with anyone else
25 before you were hired by Samserv?

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1 **BENJAMIN LAMB**
2 A. No.
3 Q. Was anyone else present at the
4 interview with Miss Lewis?
5 A. I don't remember.
6 Q. Had you started doing any process
7 serving before that interview?
8 A. No.
9 Q. So you had the license, but you
10 hadn't done any serving yet?
11 A. Right.
12 Q. Do you remember telling Miss Lewis
13 that you had never done any process serving before
14 in the interview?
15 A. Yes.
16 Q. Do you remember what kinds of
17 questions she asked you in the interview?
18 A. No.
19 Q. Do you remember how long the
20 interview lasted?
21 A. Not offhand, no.
22 Q. Do you remember when the interview
23 was in 1999?
24 A. No.
25 Q. Did you sign any sort of contract

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1 **BENJAMIN LAMB**
2 when you started working at Samserv?
3 A. No.
4 Q. Since then have you signed any
5 contract working at Samserv?
6 A. No.
7 Q. Do you remember your first day at
8 Samserv?
9 A. No.
10 Q. What kind of training did you
11 receive when you started working at Samserv about
12 processing?
13 A. I went out with one of their
14 process servers.
15 Q. What do you mean by that?
16 A. He took me out and show me what it
17 is he does and how to do it. It was like a
18 hands-on type of situation.
19 Q. Do you remember that process
20 server's name?
21 A. Mosquera.
22 Q. Do you know how long he had been
23 working for Samserv at the time?
24 A. No, I don't.
25 Q. Do you know how long he had been a

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 BENJAMIN LAMB</p> <p>2 process server at the time?</p> <p>3 A. No, I don't.</p> <p>4 Q. Did you get the sense that he was</p> <p>5 an experienced process server when you went out</p> <p>6 with him that day?</p> <p>7 A. Yes.</p> <p>8 Q. Can you describe that day?</p> <p>9 A. I don't remember it other than just</p> <p>10 taking me with him on different locations and</p> <p>11 serving papers. It wasn't, I mean there is</p> <p>12 nothing really I could tell you spectacular, he</p> <p>13 showed me what to do.</p> <p>14 Q. Did he talk to you about what to</p> <p>15 do?</p> <p>16 A. We talked here and there. It</p> <p>17 wasn't anything in-depth. He showed me more than</p> <p>18 telling me. He went and served and showed me how</p> <p>19 he goes about it.</p> <p>20 Q. Did you take notes that day?</p> <p>21 A. No, I didn't take notes. Mental.</p> <p>22 Q. Do you remember how many places you</p> <p>23 went to serve process that day?</p> <p>24 A. No.</p> <p>25 Q. Do you remember how long the day</p>	<p style="text-align: right;">Page 24</p> <p>1 BENJAMIN LAMB</p> <p>2 contractor?</p> <p>3 A. I would assume, I don't know. I</p> <p>4 didn't ask him his business.</p> <p>5 Q. When you went out with him on those</p> <p>6 two days and you said he showed you what he did,</p> <p>7 can you be a little more specific?</p> <p>8 A. I thought I was. I told you he</p> <p>9 showed me -- he went and served the papers and</p> <p>10 showed me how this is, how you do it talk to the</p> <p>11 people and the dialogue somewhat when it comes to</p> <p>12 trying to serve the papers.</p> <p>13 Q. What kind of dialogue is that?</p> <p>14 A. It depend on what the paper is or</p> <p>15 who you're talking about or things of that nature.</p> <p>16 Q. Do you remember what kind of papers</p> <p>17 he served that day?</p> <p>18 A. I don't remember what he served</p> <p>19 that day.</p> <p>20 Q. Do you remember any of the specific</p> <p>21 people that he served?</p> <p>22 A. No.</p> <p>23 Q. Do you remember any of the</p> <p>24 conversations that he had with those people?</p> <p>25 A. Not at this time, no.</p>
<p style="text-align: right;">Page 23</p> <p>1 BENJAMIN LAMB</p> <p>2 was?</p> <p>3 A. Almost the whole day.</p> <p>4 Q. What is a whole day, in your</p> <p>5 opinion?</p> <p>6 A. I would say from 9 to 5. Maybe up</p> <p>7 until -- maybe 10 to 2, something like that.</p> <p>8 Q. How many times did you go out with</p> <p>9 Mr. Mosquera?</p> <p>10 A. I think I went out with him twice.</p> <p>11 Q. Did you go out with any other</p> <p>12 process servers?</p> <p>13 A. No.</p> <p>14 Q. Did he show you his logbook that</p> <p>15 day?</p> <p>16 A. No.</p> <p>17 Q. Or those days?</p> <p>18 A. No.</p> <p>19 Q. Did anyone from Samserv give you</p> <p>20 any guidance about how to serve process?</p> <p>21 A. Mike Mosquera.</p> <p>22 Q. Was Mike Mosquera an employee of</p> <p>23 Samserv?</p> <p>24 A. Not that I know of.</p> <p>25 Q. Do you think he was an independent</p>	<p style="text-align: right;">Page 25</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. Do you remember what kind of</p> <p>3 service he affected?</p> <p>4 A. No. Service as far as what?</p> <p>5 Q. There is different kinds of</p> <p>6 service, correct?</p> <p>7 A. Yes.</p> <p>8 Q. There is personal service, for</p> <p>9 example?</p> <p>10 A. That is what I want to be clear</p> <p>11 that is what you're asking. I don't remember if</p> <p>12 it was personal or whatever at this point, no.</p> <p>13 Q. Did he have a logbook with him that</p> <p>14 day?</p> <p>15 A. I don't remember.</p> <p>16 Q. Did anyone from Samserv give you a</p> <p>17 manual with process serving?</p> <p>18 A. No.</p> <p>19 Q. Did anyone give you any rules or</p> <p>20 regulations about process serving?</p> <p>21 A. No.</p> <p>22 Q. Are you familiar with New York</p> <p>23 Civil Practice Laws And Rules, CPLR?</p> <p>24 A. No.</p> <p>25 Q. You were never given a copy of the</p>

7 (Pages 22 to 25)

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1 **BENJAMIN LAMB**
2 **New York Civil Practice Laws and Rules?**
3 MR. SKLAR: At any time or in the
4 initial day or two?
5 Q. I'm talking about at any time.
6 A. I was given something at some
7 point.
8 Q. When you say something, what is
9 that?
10 A. Is it the CPLR?
11 Q. Yes.
12 A. Yes. I don't remember what it was
13 offhand right now.
14 Q. Do you remember when that was?
15 A. No.
16 Q. Did anyone from Samserv ever tell
17 you about any procedures or policies for serving
18 process?
19 A. Are you asking about their own
20 personal procedures and process, what are you
21 asking?
22 Q. Yes, Samserv's own procedures and
23 policies for serving process, did anyone from
24 Samserv ever --
25 A. No, they didn't have any particular

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1 **BENJAMIN LAMB**
2 procedure. All they ask that it be done
3 correctly.
4 Q. Can you repeat that?
5 A. All they asked was that it be done
6 correctly.
7 Q. All they asked was that it be done
8 correctly?
9 A. Yes.
10 Q. How would you know what was
11 correct?
12 A. From what I learned from being out
13 with Mr. Mosquera and teaching me, this is how you
14 serve. To know that it was either done like you
15 said either personal or otherwise, I know it was
16 done right.
17 Q. Did Mr. Mosquera tell you any of
18 the rules or regulations that are required for
19 serving process in New York City?
20 A. No.
21 Q. Did anyone from Samserv ever tell
22 you about any rules or regulations regarding
23 serving process in New York City?
24 A. The only thing that I remember
25 discussed at some points were certain times. All

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1 **BENJAMIN LAMB**
2 of those things were like the times and the ages,
3 it is just things like that. But that is like
4 common knowledge that you wouldn't -- certain
5 times you're not going to go places.
6 Q. Could you be a little more clearer
7 when you say certain times?
8 A. Like after a certain hour I'm not
9 going to go knock on somebody's door and expect to
10 serve a paper.
11 Q. Did Samserv tell you a specific
12 hour that you shouldn't knock on a person's door?
13 A. No, they didn't tell me. I took it
14 into consideration myself. This is too late to be
15 doing that.
16 Q. You also mention there are certain
17 kinds of people?
18 A. No, I didn't. I said ages.
19 Q. What do you mean by ages?
20 A. I mean I'm not going to serve
21 anybody that is too young to receive the paper.
22 Q. You're basing that on your own
23 common sense, not anything from Samserv actually
24 told you?
25 A. Right.

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1 **BENJAMIN LAMB**
2 Q. Are you aware that there are
3 certain rules and regulations for serving process
4 in New York City?
5 A. Yes.
6 Q. Do you know what those rules and
7 regulations are?
8 MR. SKLAR: Objection to form.
9 A. If you ask me if I'm familiar with
10 them all, no, I'm not.
11 Q. Are you aware that the Department
12 Of Consumer Affairs which issues you your process
13 serving license has specific rules about serving
14 process in New York City?
15 A. Yes.
16 Q. Can you describe any of those
17 rules?
18 A. No, not right now.
19 Q. Can you just give me your best
20 understanding of the rules?
21 MR. SKLAR: Objection to form.
22 A. As I said to you before, like you
23 wrote it down, that it was my personal
24 understanding that I wouldn't do -- wouldn't serve
25 certain people that were under age and things like

8 (Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 BENJAMIN LAMB</p> <p>2 that. And I do understand that I have to go and</p> <p>3 physically talk to someone if I'm going to serve</p> <p>4 them. In an apartment I have to talk to someone</p> <p>5 in the household. Business I have to talk to</p> <p>6 somebody who is capable of receiving the service.</p> <p>7 Those are the things that I do understand as far</p> <p>8 as process serving. So I do know I have to do</p> <p>9 that. In order to effectuate service properly.</p> <p>10 Q. When you say effectuate service</p> <p>11 properly, what does that mean to you?</p> <p>12 A. What I just said to you.</p> <p>13 Q. So you said previously that beside</p> <p>14 taking a test to receive a license from the</p> <p>15 Department Of Consumer Affairs, there are no</p> <p>16 requirements for being licensed by the Department</p> <p>17 Of Consumer Affairs; is that right?</p> <p>18 A. Right.</p> <p>19 Q. Would you agree that following the</p> <p>20 rules that are set out by the Department Of</p> <p>21 Consumer Affairs is a requirement of keeping a</p> <p>22 process serving license?</p> <p>23 MR. SKLAR: Objection to form.</p> <p>24 A. Are you asking me if I actually</p> <p>25 follow what they say in order to maintain my</p>	<p style="text-align: right;">Page 32</p> <p>1 BENJAMIN LAMB</p> <p>2 things properly, what do you mean?</p> <p>3 A. What I had explained to you</p> <p>4 previously about serving papers properly and</p> <p>5 effectuating service properly.</p> <p>6 Q. Forgive me, I don't remember</p> <p>7 exactly what you said. Can you tell me again what</p> <p>8 it means to serve papers properly?</p> <p>9 A. What I was saying to you before,</p> <p>10 what I explained to you before, like going to an</p> <p>11 apartment, making sure that I talk to someone</p> <p>12 inside the household, things of that nature. That</p> <p>13 is what I'm talking about.</p> <p>14 Q. Beside the rules promulgated by the</p> <p>15 Department Of Consumer Affairs, are you aware that</p> <p>16 there are also state laws regarding process</p> <p>17 serving?</p> <p>18 A. Yes.</p> <p>19 Q. Can you describe what those laws</p> <p>20 are?</p> <p>21 A. No, not offhand.</p> <p>22 Q. Just to the best of your ability.</p> <p>23 A. I don't want to misquote, no, I</p> <p>24 can't.</p> <p>25 Q. Try to let me finish the question</p>
<p style="text-align: right;">Page 31</p> <p>1 BENJAMIN LAMB</p> <p>2 license?</p> <p>3 Q. Yes.</p> <p>4 A. I believe so. They issued me the</p> <p>5 license, so definitely.</p> <p>6 Q. You would agree with that?</p> <p>7 A. Yes.</p> <p>8 Q. What would happen if you didn't</p> <p>9 follow the Department Of Consumer Affairs rules?</p> <p>10 MR. SKLAR: Objection. What are you</p> <p>11 asking him? There this a legal conclusion</p> <p>12 that you're asking him to draw.</p> <p>13 MS. COFFEY: Are you objecting to</p> <p>14 form?</p> <p>15 MR. SKLAR: This question makes no</p> <p>16 sense, so I'm objecting.</p> <p>17 Q. You have a license to serve</p> <p>18 process, right?</p> <p>19 A. Yes.</p> <p>20 Q. What is your understanding of how</p> <p>21 that license can be revoked or suspended?</p> <p>22 A. My understanding is if I don't do</p> <p>23 what I'm supposed to do properly, that that is</p> <p>24 reason to cause to take it from me.</p> <p>25 Q. When you say if you don't don</p>	<p style="text-align: right;">Page 33</p> <p>1 BENJAMIN LAMB</p> <p>2 before you answer. It is hard for the court</p> <p>3 reporter to write everything down.</p> <p>4 Do you understand that as part of</p> <p>5 the requirements for having a license, a process</p> <p>6 serving license, there are record-keeping</p> <p>7 requirements?</p> <p>8 A. Yes.</p> <p>9 Q. Can you describe your understanding</p> <p>10 of what those requirements are?</p> <p>11 A. I have to keep a logbook of the</p> <p>12 entries.</p> <p>13 Q. What are those entries?</p> <p>14 A. Basically the entries are the paper</p> <p>15 that I served, the time that I served it, the date</p> <p>16 that I served it, the type of paper it was, the</p> <p>17 court it came from, the information who I spoke</p> <p>18 to.</p> <p>19 Q. You mentioned to effectuate proper</p> <p>20 service you had to find someone who lived in the</p> <p>21 apartment, is that what you said?</p> <p>22 A. Someone from inside the household.</p> <p>23 Q. What happens if no one is home?</p> <p>24 A. I would come back.</p> <p>25 Q. So you would come back if you could</p>

9 (Pages 30 to 33)

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1 **BENJAMIN LAMB**
2 find no one from the household home?
3 A. Right.
4 (Lamb Exhibit 1 for identification,
5 Document previously marked Lewis 2.)
6 Q. Mr. Lamb, I show you what is marked
7 has Lamb Exhibit 1 which is also just for the
8 record Lewis 2. It's a one-page document. Do you
9 recognize this document?
10 A. Yes.
11 Q. Can you describe what it is?
12 A. This was a letter given to me by
13 Samserv about consumer debt.
14 Q. Do you remember receiving this
15 document?
16 A. Yes, I remember receiving it a long
17 time ago.
18 Q. Do you remember when?
19 A. No.
20 Q. When you say a long time ago?
21 A. Years ago.
22 Q. Years, like five years?
23 A. Around that, yes.
24 Q. Do you remember seeing any other
25 similar documents from Samserv with instructions

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1 **BENJAMIN LAMB**
2 about how to serve properly?
3 A. I received other documents from
4 them, yes, about different things, different
5 service.
6 Q. Do you remember what any of those
7 documents said?
8 A. No.
9 Q. Do you remember how many times you
10 received them?
11 A. No.
12 Q. Did you keep them?
13 A. Yes, I kept them.
14 Q. Do you still have them?
15 A. Where they are now, no, I don't
16 know.
17 Q. Do you want to take a minute to try
18 to remember where any of the other documents are
19 that you received from Samserv?
20 A. At this point in time I couldn't
21 tell you where a lot of things are. There have
22 been a lot of things that transpired with me in
23 the last year. I can't tell you where they are.
24 Q. Can you tell me what they are?
25 A. No.

Page 36

1 **BENJAMIN LAMB**
2 Q. After you serve people with court
3 papers, you sign an affidavit describing how you
4 served those people; is that correct?
5 A. After I serve them I submit the
6 information, the affidavit is given to me that I
7 sign.
8 Q. There may be a few steps in
9 between, but at some point you sign an affidavit
10 attesting to how you did service in a particular
11 case, right?
12 A. If by that you're asking me does
13 the paperwork state the information that I gave
14 them, is that what you're saying?
15 Q. I'm asking if you sign affidavits
16 that describe the service that you affected?
17 A. That is what I'm saying is that
18 what you're asking it shows what I submitted.
19 Because if it is what I submitted yes, I sign
20 that.
21 Q. We will talk about what you
22 submitted. I assume what you mean what you submit
23 to Samserv?
24 A. No, I'm assuming you mean what I
25 submitted.

Page 37

1 **BENJAMIN LAMB**
2 Q. Can we agree that you do service,
3 you serve a subpoena or an order to show cause or
4 summons and complaint on someone and then you sign
5 an affidavit that describes how you served that
6 piece of court paper?
7 A. That is what I'm saying, I'm still
8 stuck on what you're asking me. What I sign
9 doesn't necessary say this is how I served it.
10 What you sign shows the people that I -- the
11 person that I served, the paper that was and so
12 on. I mean it is not so much how I served it.
13 I don't understand. Maybe I can be
14 misunderstanding you, but I don't get it. I don't
15 get what you're asking me.
16 Q. What happens when you serve
17 someone? Maybe we should clarify.
18 A. What do you mean what happens when
19 I serve someone? After I serve a paper I submit
20 the information.
21 Q. So what information are you talking
22 about?
23 A. The information that is in my
24 logbook is the same that is on the worksheet that
25 is provided for me for the service or I fill out a

10 (Pages 34 to 37)

<p style="text-align: right;">Page 38</p> <p>1 BENJAMIN LAMB</p> <p>2 worksheet based on what is written in my logbook.</p> <p>3 Q. So the information on the worksheet</p> <p>4 and the information in the logbook reflect service</p> <p>5 that you did?</p> <p>6 A. Right.</p> <p>7 Q. And then that information appears</p> <p>8 on an affidavit?</p> <p>9 A. Yes.</p> <p>10 Q. And you sign the affidavit?</p> <p>11 A. Right.</p> <p>12 Q. So I think we agree that an</p> <p>13 affidavit contains information about the service</p> <p>14 that you did in a particular case?</p> <p>15 A. Right.</p> <p>16 Q. I want to clarify that we agree on</p> <p>17 that. Do you know what happened to that</p> <p>18 affidavit? Do you know that the affidavit is</p> <p>19 filed in court?</p> <p>20 A. I believe it is filed in court. I</p> <p>21 really don't know what happens after I submit the</p> <p>22 information. After I sign it. I don't know what</p> <p>23 is done with anything. I'm really not sure.</p> <p>24 Q. Would you be surprised that</p> <p>25 affidavits of service are filed with the court, in</p>	<p style="text-align: right;">Page 40</p> <p>1 BENJAMIN LAMB</p> <p>2 actually served with the court papers?</p> <p>3 A. Okay, yes.</p> <p>4 Q. Do you agree with that?</p> <p>5 A. I can agree with that.</p> <p>6 Q. So you understand that it is</p> <p>7 important for those affidavits to be accurate;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Why is it important for the</p> <p>11 affidavits to be correct?</p> <p>12 A. You just said it.</p> <p>13 Q. What did I say?</p> <p>14 A. So the courts can rely on the fact</p> <p>15 that to know that someone was served.</p> <p>16 Q. Who is currently your supervisor</p> <p>17 at Samserv?</p> <p>18 A. I don't have one.</p> <p>19 Q. Who do you interact with at</p> <p>20 Samserv?</p> <p>21 A. I interact with the whole office.</p> <p>22 Q. By the whole office, who exactly do</p> <p>23 you mean? Do you know their names?</p> <p>24 A. Mr. Mlotok, Miss Hoisen.</p> <p>25 MR. SKLAR: Do you how to spell her</p>
<p style="text-align: right;">Page 39</p> <p>1 BENJAMIN LAMB</p> <p>2 the court?</p> <p>3 A. Would I be surprised, no.</p> <p>4 Q. Do you understand that affidavits</p> <p>5 are used by the court, they are reviewed by the</p> <p>6 court?</p> <p>7 A. Yes, I understand that.</p> <p>8 Q. Would you agree that the</p> <p>9 information that is in an affidavit is supposed to</p> <p>10 be accurate?</p> <p>11 A. Yes.</p> <p>12 Q. Would you agree that it is</p> <p>13 important that the information is accurate so that</p> <p>14 the court can rely on the affidavit?</p> <p>15 A. Yes.</p> <p>16 Q. Do you understand when I say the</p> <p>17 court is relying on the affidavit, that I mean the</p> <p>18 court is relying on the affidavit to recognize</p> <p>19 that someone was served with court papers?</p> <p>20 MR. SKLAR: Objection to form.</p> <p>21 Q. You can answer the question, if you</p> <p>22 understand it.</p> <p>23 A. Can you say it again?</p> <p>24 Q. Do you understand that the court's</p> <p>25 rely on those affidavits to show that someone was</p>	<p style="text-align: right;">Page 41</p> <p>1 BENJAMIN LAMB</p> <p>2 name.</p> <p>3 THE WITNESS: H O I S E N.</p> <p>4 A. I can't think of her name right</p> <p>5 now, I talk to her, but I don't talk to her.</p> <p>6 Melissa. I don't know her last name.</p> <p>7 Q. Is there anyone else?</p> <p>8 A. No.</p> <p>9 Q. Do you know Miss Hoisen's first</p> <p>10 name?</p> <p>11 A. Seleshia.</p> <p>12 Q. How do those people from Samserv</p> <p>13 communicate with you?</p> <p>14 A. I go to the office or they call me.</p> <p>15 Q. They call you on your phone?</p> <p>16 A. Yes.</p> <p>17 Q. Do they ever e-mail you?</p> <p>18 A. No.</p> <p>19 Q. What do they call you about?</p> <p>20 A. They want to know about service or</p> <p>21 if there is something that I have to get, things</p> <p>22 like that.</p> <p>23 Q. They would tell you if there is</p> <p>24 work for you to be done?</p> <p>25 A. Right.</p>

11 (Pages 38 to 41)

Page 42

1 BENJAMIN LAMB

2 Q. What kind of cases do you serve for

3 Samserv?

4 A. Summons, subpoenas, orders to show

5 cause, consumer debt.

6 Q. Do you serve cases that are not

7 consumer debt? For example, do you know if you

8 serve personal injury cases?

9 A. No.

10 Q. No, you don't or you don't know?

11 A. I don't know if it is personal

12 injury or not, no, I don't know. I really don't

13 read the paperwork. I just serve it.

14 Q. Do you know if there are different

15 requirements for consumer debt cases?

16 MR. SKLAR: In terms of service?

17 Q. At Samserv, are there different

18 requirements?

19 A. You mean personally?

20 MR. SKLAR: Objection to form.

21 Different requirements?

22 Q. Okay. Did you understand the

23 question?

24 A. No, I don't.

25 Q. Does Samserv have different

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1 BENJAMIN LAMB

2 requirements for serving consumer debt cases?

3 A. No. I mean if there is anything in

4 particular then I will be let known of it. You

5 will be let known of it before you do it.

6 Q. Do you know when you're serving

7 consumer debt cases?

8 A. Usually consumer debt -- we know

9 what consumer debt clients he has, I know that

10 much of it, yes.

11 Q. So you know -- you look at the

12 caption, for example, and you could tell when it's

13 a consumer debt case?

14 A. No, consumer debt, he has -- how

15 you code different -- no code it, but I don't know

16 it is the consumer debt papers, usually they come

17 with a worksheet and the worksheet is different

18 for consumer debt than others.

19 Q. There are different procedures?

20 A. It is not necessarily procedure, it

21 was a worksheet involved and we fill out things on

22 the worksheet. When we submit it we submit the

23 worksheet.

24 Q. You mentioned Samserv's consumer

25 debt clients, do you know who they are off the top

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1 BENJAMIN LAMB

2 of your head?

3 A. The only person that I could think

4 of now is a company called Choi.

5 Q. Can you think of any other consumer

6 debt?

7 A. Not offhand.

8 Q. Can you walk me through how you

9 will actually receive assignments at Samserv?

10 A. I go into the office and we have

11 little boxes with our names on it and work is

12 usually in the box waiting for you.

13 Q. Do all the process servers have

14 boxes with their names on them?

15 A. As far as I know.

16 Q. Where are those boxes located?

17 A. In the room.

18 Q. In what room?

19 A. In the room in the office.

20 Q. Do you know who else is in that

21 room?

22 A. Nobody is in that room.

23 Q. Nobody is in that room?

24 A. No.

25 Q. Does anyone besides process servers

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1 BENJAMIN LAMB

2 have their names on the boxes in that room?

3 A. No.

4 Q. Is that room called something?

5 A. No.

6 Q. It is not called the process server

7 room?

8 A. No, it is called the office.

9 Q. What is in that office?

10 A. A lot of office things, desks,

11 chairs.

12 Q. Are there any computers?

13 A. No.

14 Q. Is there a table?

15 A. Yes.

16 Q. Do you use that office as an office

17 for yourself?

18 A. Yes.

19 Q. So when you walk into this office

20 and you go to your box with your name on it, if

21 there is something in the box that means there is

22 work for you to be done?

23 A. Sometimes work and sometimes just

24 affidavits to be signed.

25 Q. So when there is work for you to be

12 (Pages 42 to 45)

Page 46

1 **BENJAMIN LAMB**
2 done, what would be in your mail box -- am I
3 correct in calling it a mailbox?
4 A. No.
5 Q. When you say box, what do you mean?
6 A. It is just like a cubby. It's a
7 box, my things are put in there.
8 Q. How big is it?
9 A. I don't know. It is not that big.
10 I don't know the exact measurements.
11 Q. If there is work for you to be
12 done, what is in your box?
13 A. The work.
14 Q. Can you be a little more detailed?
15 A. The type of work, I don't know that
16 until I look at what it is. Is that what you're
17 asking me?
18 Q. Is there a summons and complaint?
19 A. The type of work, I don't know
20 until I look at it. I can't tell you. I'm not
21 aware ahead of time that it is a summons and
22 complaint, you have order to show cause.
23 Q. A that is my question, what is in
24 there?
25 A. Whatever they have for me is in

Page 47

1 **BENJAMIN LAMB**
2 there.
3 Q. The actual documents that you're
4 supposed to serve?
5 A. That's.
6 Q. Are there any instructions?
7 A. Yes.
8 Q. Just a stack of documents to serve?
9 A. Yes.
10 Q. You mention worksheets before, are
11 there also worksheets in there?
12 A. The worksheets are attached to the
13 documents.
14 Q. So that is what I'm trying to ask,
15 I'm trying to have you paint a picture for me.
16 There is a stack of work to be done for each
17 assignment, can we call them assignments?
18 A. Yes.
19 Q. For each assignment there is a
20 worksheet attached to the assignment?
21 A. Yes.
22 Q. What does the worksheet say?
23 A. The worksheet has the company name,
24 the, I'm not going to say a caption, it has the
25 Defendant's name and address and it has different

Page 48

1 **BENJAMIN LAMB**
2 fields to be filled out. Like gender, height,
3 weight, age, that type of thing.
4 Q. When you say the company name, what
5 company?
6 A. Samserv.
7 Q. So Samserv's name is on every
8 worksheet?
9 A. Right.
10 Q. And then different fields that you
11 mentioned, those are blank?
12 A. Yes.
13 Q. Is there anything else on the
14 worksheets?
15 A. Just the, like I said, the
16 information from the paper, like the court, the
17 index number, things like that. That's all.
18 Q. Is it one page?
19 A. Just one sheet.
20 Q. One sheet per assignment?
21 A. Yes.
22 Q. You mentioned before that the
23 worksheets are different for consumer debt cases,
24 how are they different?
25 A. The only real difference is that

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1 **BENJAMIN LAMB**
2 the design of it. That's all. That is all that I
3 could tell you is the difference.
4 Q. Do they say consumer debt cases --
5 A. No, they don't. The actual paper
6 will tell you that it's a consumer debt paper, but
7 the worksheet doesn't tell you that.
8 Q. When you say actual paper you mean
9 document to be served?
10 A. The documents to be served.
11 Q. The information that you're
12 supposed to fill out is the same for every
13 worksheet regardless whether it is a consumer debt
14 case or not?
15 A. Yes.
16 Q. Do you have any idea why consumer
17 debt cases would be -- worksheets for consumer
18 debt would be formatted differently?
19 A. It is not really formatted
20 differently. I just told you it is design. It
21 may be a bold line around it, because maybe that
22 is the way he wanted the paper to look, I don't
23 know.
24 Q. By he who are you referring to?
25 A. Mr. Mlotok.

13 (Pages 46 to 49)

Page 50

1 BENJAMIN LAMB
2 Q. Do you know who puts those
3 assignments in your box?
4 A. No.
5 Q. But it could be any three of the
6 people that you mentioned before who call you to
7 tell you that there is work available?
8 A. I'm sure it could.
9 Q. On average how many assignments are
10 you given at one time?
11 A. There is no average, because it
12 varies so much. Sometimes it could be one paper,
13 sometimes it could be three papers, sometimes it
14 could be 10, I don't know. It all depends on what
15 comes in.
16 Q. What is the most number that you
17 ever got?
18 A. I can't tell offhand, I don't
19 remember.
20 Q. Can you give me an estimate? Do
21 you have hundred assignments in are box?
22 A. At one time, no.
23 Q. Do you ever have 50?
24 A. At one time, I don't recall that,
25 no. At one time, no, I don't recall that.

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1 BENJAMIN LAMB
2 Q. But you had as few as one?
3 A. Definitely.
4 Q. How often do you go to Samserv's
5 office?
6 A. Now, maybe once or twice a week.
7 Q. When you started in 1999 how often
8 did you go in?
9 A. Maybe four times a week.
10 Q. When did you start going in only
11 one or two times a week?
12 A. When they moved.
13 Q. When did they move?
14 A. I don't know how long ago.
15 Q. Why do you go in fewer times now?
16 A. One, they are all the way in Long
17 Island and two, the workload is not as heavy.
18 Q. So, because they moved to Long
19 Island it is farther for you to get to, is that
20 what you mean by the fact that they are in Long
21 Island?
22 A. Yes. They moved to Long Island,
23 it's a little farther out now, but the workload is
24 not as heavy.
25 Q. When you're given these

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1 BENJAMIN LAMB
2 assignments, are you given a deadline to complete
3 them?
4 A. Sometimes.
5 Q. Is that deadline, would that
6 deadline appear on the worksheet?
7 A. Yes.
8 Q. How long do you have when there is
9 a deadline? How long is the deadline usually?
10 A. I don't know. It depends. It
11 depends on when I get it for when they need it
12 served by, so, I don't know.
13 Q. So would they say on the worksheet
14 that this has to be served by a certain date?
15 A. Yes.
16 Q. What is the shortest time that you
17 recall ever receiving a deadline?
18 A. The same day.
19 Q. How often does that happen?
20 A. I don't recall.
21 Q. Well, even now you go in once or
22 twice a week, does it happen once a week?
23 A. Now, no. It doesn't happen now at
24 all.
25 Q. Do you remember the last time that

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1 BENJAMIN LAMB
2 you got a deadline to do --
3 A. No.
4 MR. SKLAR: Let her finish.
5 Q. -- to do service in one day?
6 A. No, I don't remember the last time
7 that I had to do one.
8 Q. When there is no deadline, how do
9 you know when to finish an assignment?
10 A. When there is no deadline I just, I
11 assume they want it done as soon as possible but
12 I'm not going to sit there and hold on to the
13 paper for weeks.
14 Q. What percentage of the cases -- of
15 the assignments that you received have deadlines
16 on the worksheets?
17 A. There is not even a percentage,
18 because like I said, it is not always like that.
19 There has been a few times here and there
20 throughout. It is not like at least twice a week
21 I get deadline papers. It is not like that.
22 Q. Do you have any idea how many
23 assignments you receive now per week?
24 A. Like I said, once again it varies.
25 Q. Can you give me a range?

14 (Pages 50 to 53)

Page 54

1 BENJAMIN LAMB
2 A. 0 to 10.
3 Q. How about five years ago, do you
4 remember how many assignments you received per
5 week?
6 A. No.
7 Q. Did it used to be more assignments,
8 did you use to receive more assignments?
9 A. Five years ago, definitely.
10 Q. When you started in 1999 do you
11 remember how many assignments you received per
12 week?
13 A. It was a lot better in 1999 too.
14 No, I don't remember how many it was a week.
15 Q. Can you try to give me an estimate?
16 A. Too hard to remember.
17 Q. Now, you receive between 0 and 10
18 assignments a week. Back then did you receive a
19 hundred?
20 A. Not a week, no.
21 Q. Fewer?
22 A. Definitely.
23 Q. 50?
24 A. When are you talking about five
25 years ago or 1999?

Page 55

1 BENJAMIN LAMB
2 Q. How about 1999?
3 A. Not even 50. It was fewer than
4 that.
5 Q. Do you remember since 1999 any
6 period of time that was more busy than others?
7 A. Yes, five years ago. For five
8 years ago it was much more busy than any other
9 time.
10 Q. How many assignments did you
11 receive back then?
12 A. Again you're asking me questions
13 that I don't know. It was a different number, it
14 is up and down all the time. It always has been
15 that way.
16 Q. Can you just give me a ballpark
17 estimate for say one month?
18 A. No, I can't. It is up and down.
19 Q. Can you give me a range, is it up
20 and down?
21 A. It is always up and down. Like I
22 said, maybe 50.
23 Q. Maybe 50 in a month?
24 A. No. Maybe 50 in a week and a half
25 or so. Something like that, maybe. Maybe a

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1 BENJAMIN LAMB
2 little more, maybe a little less, it all depended.
3 Q. When you were receiving more
4 assignments when you were busy, do you remember if
5 those were consumer debt transaction cases?
6 A. It was everything.
7 Q. What do you mean by everything?
8 A. Same stuff that I told you before.
9 Subpoena, summons, orders to show cause, at one
10 point I was doing landlord/tenant. It was
11 everything. It was never just one particular
12 thing.
13 Q. After you received your stack of
14 assignments, do you talk to anyone at Samserv?
15 A. No.
16 Q. Do you need to take a break?
17 A. Not right this minute. I will deal
18 with that later.
19 Q. So what happens after you take the
20 assignments out of your box, can you be more
21 precise?
22 A. I separate it and I look.
23 Q. What do you mean by separate it?
24 A. Usually we get two copies, one for
25 service and one for mailing.

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1 BENJAMIN LAMB
2 Q. And you leave the one for mailing
3 at Samserv office?
4 A. Yes.
5 Q. Where do you leave it?
6 A. In my box.
7 Q. You leave it in your own box?
8 A. Yes.
9 Q. Then what do you do?
10 A. What do you mean?
11 Q. You're walking me through --
12 A. I leave.
13 Q. How long are you generally at
14 Samserv's office when you go?
15 A. It depends on what I have to turn
16 in. It varies. If I have to discuss anything
17 with Mr. Mlotok or anything, it all depends.
18 Sometimes I'm just sitting there talking, shooting
19 the breeze.
20 Q. Who do you shoot the breeze with?
21 A. The same people in the office that
22 I mentioned?
23 Q. So what other activities do you do
24 when you're at the office?
25 A. I do my work at the office. I mean --

15 (Pages 54 to 57)

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1 BENJAMIN LAMB
2 as far as what, I'm sorry?
3 Q. We talked about how you would go
4 there to pick up your assignments.
5 A. Right.
6 Q. What else do you do when you're at
7 Samserv's office?
8 A. If I'm at Samserv I'm turning in
9 the worksheet from the work that I have done
10 already.
11 Q. Who did you turn those into?
12 A. I put them in a box. They have a
13 bin that they have in there set up for that.
14 Q. In the same room that you talked
15 about?
16 A. No, not in the room that I'm in.
17 In the main part of the office where Seleshia and
18 Melissa sit in.
19 Q. What do you put in the bin?
20 A. The worksheet.
21 Q. What else did you do when you're in
22 the office?
23 A. I get my affidavits that have been
24 put in the box for me.
25 Q. Where are the affidavits?

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1 BENJAMIN LAMB
2 A. In the box, I said sometimes there
3 is work and sometimes there is affidavits in the
4 box.
5 Q. In your box with your name?
6 A. Yes.
7 Q. Can you describe what the
8 affidavits are?
9 A. Same stuff that we discussed. The
10 work that I did, I turned in from the worksheet or
11 now that everything is done through the
12 computerized system, the electronic system, it is
13 already in their system and they can pull it out
14 before I get there and they have it ready for me
15 so I don't have to go back and get it.
16 Q. When you say they have it ready for
17 you, you mean the actual affidavits?
18 A. The actual affidavit.
19 Q. Do those affidavits have your name
20 on them?
21 A. Yes.
22 Q. And your license number?
23 A. Yes, they do.
24 Q. The only thing that you have to
25 fill out is your signature?

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1 BENJAMIN LAMB
2 A. Yes, I do.
3 Q. Where do you sign those affidavits?
4 A. The right-hand corner.
5 Q. Sorry, that was unclear. Which
6 room do you sign the affidavits in?
7 A. I take them in the room with
8 Mr. Mlotok.
9 Q. What room is Mr. Mlotok in?
10 A. In his office.
11 Q. You take the affidavits into
12 Mr. Mlotok's office?
13 A. Yes.
14 Q. Then what happens?
15 A. I sign them.
16 Q. Who else is there when you sign
17 them?
18 A. Usually just Mr. Mlotok.
19 Q. Do you sit at a table in his
20 office?
21 A. I sit in a chair and use the corner
22 end of his desk.
23 Q. What kind of review do you make of
24 the affidavits?
25 A. I try to look over as many of them --

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1 BENJAMIN LAMB
2 I try to look over them as well as I can,
3 sometimes I don't look at them all properly as I
4 should.
5 Q. When you look over them, what are
6 you looking for?
7 A. I'm just reading it to make sure
8 that the information is on it that I submitted.
9 Q. Do you ever see any inaccuracies?
10 A. I have a couple times.
11 Q. What would happen when you noticed
12 there are inaccuracies in the affidavit?
13 A. I asked him to change it.
14 Q. Who would you ask?
15 A. Whoever could change it at the
16 time. It may not be the person that actually
17 typed it out or pulled it out for me. I ask
18 whoever is available.
19 Q. What kind of inaccuracies were
20 they, do you remember?
21 A. No. I don't remember what they
22 are.
23 Q. Can you try to remember?
24 A. It is too hard.
25 Q. Do you think they were misspellings

16 (Pages 58 to 61)

Page 62

1 **BENJAMIN LAMB**
2 or problems with --
3 A. As far as misspelling, I can't say
4 misspelling. I'm not sure that I spell everything
5 right when I write it in, so I don't know. Maybe
6 times with information as far as the physical
7 description of the person, the date or the time,
8 things like that.
9 Q. How do you know they were
10 inaccurate -- how do you know they were
11 inaccurate?
12 A. It is not too long in between when
13 I'm serving and receiving affidavits to sign that
14 I could remember pretty much what was going on at
15 the time. If it has been a while, that will be a
16 different case.
17 THE WITNESS: Before you ask your next
18 question, can I return some calls?
19 MS. COFFEY: Sure, we could take a
20 break.
21 (Recess taken.)
22 BY MS. COFFEY:
23 Q. Mr. Lamb, I want to clarify a
24 couple of questions that I asked you about before.
25 The layout of the office that you described

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1 **BENJAMIN LAMB**
2 before, is that the Long Island location of
3 Samserv that you were describing?
4 A. Yes.
5 Q. When you go out to Samserv's
6 office, how do you get there?
7 A. I drive.
8 Q. How long does it take you to get
9 there?
10 A. 30 minutes, 40 minutes.
11 Q. Samserv was previously located in
12 Brooklyn, right?
13 A. Yes.
14 Q. How would you get to the office
15 location in Brooklyn?
16 A. I would drive or take the train.
17 Q. How long would that take you?
18 A. About the same amount of time,
19 depending.
20 Q. So, could you clarify why it is
21 more difficult to go to the Long Island office?
22 A. I didn't say it was difficult, I
23 said they are in Long Island and their workload is
24 less and that is why I don't go as much.
25 Q. I think when we took the break we

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1 **BENJAMIN LAMB**
2 were talking about your signing the affidavits of
3 service?
4 A. We had finished that.
5 Q. I have a couple of more follow up
6 questions about that. When you received the
7 stacks of affidavits, how many do you receive at
8 one time?
9 A. It depends on what was readily
10 available. Sometimes they print them up and other
11 times they don't.
12 Q. How many times would you say?
13 A. I don't know, depends on what work
14 was done.
15 Q. Could you give me a range?
16 A. No, I can't. It depends on what
17 work was done.
18 Q. Have the number of affidavits that
19 you signed at one time changed over the years?
20 A. Of course. It is always changing,
21 depending on what work was done.
22 Q. Right now, when go out to Samserv's
23 office what is a range of affidavits, a stack of
24 affidavits that you signed?
25 A. It depends on what work that was

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1 **BENJAMIN LAMB**
2 done.
3 Q. Can you explain whether it is fewer
4 than ten?
5 A. It depends on what work was done.
6 Q. Is it as many as 50?
7 A. I haven't told you that I had that
8 much work. So it couldn't be as many as 50.
9 Q. It could be as few as one?
10 A. Yes.
11 Q. When your signing the affidavits of
12 service in Mr. Mlotok's office, do you ever
13 compare the affidavits with your logbook?
14 A. No.
15 Q. Why not?
16 A. Because I don't -- I told you that I sit
17 there and read it because it is never that far
18 that I can't remember offhand. Like I also said,
19 sometimes I don't always go through them the way
20 that I should. So if something slips through I
21 don't know until later on.
22 Q. Are you aware that if information
23 in an affidavit is wrong and someone actually
24 isn't served, that means they don't go to court
25 and default judgment can be entered against them?

17 (Pages 62 to 65)

Page 66

1 **BENJAMIN LAMB**
2 MR. SKLAR: Objection to form an
3 objection to the premise.
4 Q. Did you understand the question?
5 A. No, can you say it again?
6 Q. Are you aware that if information
7 in an affidavit of service is wrong, and someone
8 actually was not served with process, do you
9 understand that a default judgment can be entered
10 against them in court?
11 A. But if somebody -- how could the
12 information is wrong and somebody not be served if
13 somebody is served, then they are served.
14 Q. Do you understand if someone does
15 not show up in court a default judgment can be
16 entered against them?
17 MR. SKLAR: Objection to form. He is
18 not an attorney, but your understanding.
19 A. I mean, I don't know, I haven't
20 been in that situation. I don't know what happens
21 with it.
22 Q. Do you know what a default judgment
23 is?
24 A. No, can you explain?
25 Q. I will be happy to explain it?

Page 67

1 **BENJAMIN LAMB**
2 A. Thank you.
3 Q. When someone is sued in a court
4 case, if they don't respond to the court case,
5 they don't respond to let's say a summons and
6 complaint, then the Plaintiff is able to obtain a
7 judgment against that Defendant?
8 A. Okay.
9 Q. If they don't show up they win that
10 judgement by default?
11 A. Okay.
12 Q. Have you ever heard of a judgement
13 before?
14 A. A judgment, yes.
15 Q. Are you aware when someone has a
16 judgment against someone they could use that to
17 garnish their wages, freeze their bank account,
18 put a lien on their home?
19 MR. SKLAR: Objection to the form.
20 A. Actually, I didn't know that.
21 Q. You didn't know that, okay. But we
22 did agree before that an affidavit of service
23 reflects service that was performed on an
24 individual?
25 A. Yes.

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1 **BENJAMIN LAMB**
2 Q. We agreed that serving process is
3 providing someone with notice about court papers,
4 right?
5 A. The notice is the court papers,
6 right? I'm trying to understand where you're
7 going. I thought that was the -- the purpose of
8 the papers was -- that was the notice, no?
9 Q. Right. I think we agree on that.
10 A. Okay, sure.
11 Q. When you sign an affidavit, it has
12 to be notarized; is that right?
13 A. Yes.
14 Q. Do you know who notarizes the
15 affidavits that you sign for Samserv?
16 A. Yes, Mr. Mlotok.
17 Q. Does anyone else notarize them?
18 A. No.
19 Q. Have you ever seen Mr. Mlotok
20 notarize your --
21 A. Yes.
22 Q. Let me finish the question. Have
23 you ever seen Mr. Mlotok notarize your affidavits?
24 A. Yes.
25 Q. Does he do that right after you

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1 **BENJAMIN LAMB**
2 sign it in their office?
3 A. Yes, sometimes he does it when I'm
4 handing it to him and sometimes he does it right
5 after I give it to him.
6 Q. You mentioned before that you got
7 two copies of the court papers, one for service
8 and one for mailing; is that right?
9 A. Yes.
10 Q. So, can you describe to me the
11 process of mailing the court papers?
12 A. After I serve the process and I
13 come back in the office with the worksheet, I pull
14 all the information back out of my box and then I
15 take the paper and I go to the envelopes and I get
16 some envelopes and I sit there and physically
17 handwrite the Defendant's name, address and so on
18 on the envelope, I fold the paper myself and put
19 it in, seal it, either write or stamp personal
20 confidential on the bottom, and put the address
21 back on the top and I take it to the mail machine,
22 stamp it and physically walk it to the mailbox.
23 Q. Where is the mailbox?
24 A. The mailbox in Brooklyn was on the
25 corner across the street from the office. It was

18 (Pages 66 to 69)

Page 70

1 BENJAMIN LAMB
 2 the big blue mailbox.
 3 Q. How about in Long Island?
 4 A. In Long Island they have a mailbox
 5 there, they come and get the mail and you take it
 6 and put it in the box and they pick it up.
 7 Q. You put it in a box in Samserv's
 8 office?
 9 A. Right.
 10 Q. How do you stamp the envelope?
 11 A. There is a mail machine. A machine
 12 with a stamp.
 13 Q. You use the mail machine?
 14 A. Yes, yes, right.
 15 Q. Do you mail a copy of the court
 16 papers in every case?
 17 A. Only a suitable age serve.
 18 Q. How do you know that an individual
 19 assignment was a suitable age serve?
 20 A. If I served it, I would know.
 21 Q. How do you check? You said you
 22 leave a second copy of the summons and complaint
 23 or the court papers in your box?
 24 A. Right.
 25 Q. And then when you go to mail them

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1 BENJAMIN LAMB
 2 you do the things that you just described. How do
 3 you know which ones to mail?
 4 MR. SKLAR: Objection to form.
 5 A. I don't know which ones to mail. I
 6 served it so I know who I served. I also
 7 explained that it is not that long in between that
 8 I take stuff back into the office and I have my
 9 worksheet with me so I know what I'm returning and
 10 what I'm mailing.
 11 Q. Do you compare your worksheets to
 12 the copies of the summonses and complaints that
 13 are left in your box?
 14 A. Compare how?
 15 Q. I'm just trying to figure out --
 16 let's back up a moment.
 17 When would you not mail a summons
 18 and complaint?
 19 A. If it was served on a business or
 20 served personally.
 21 Q. But you said that every single case
 22 you get a second copy from Samserv just in case
 23 you have to mail it?
 24 A. No, sometimes that is what it is.
 25 Sometimes you have more than one copy. I know for

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1 BENJAMIN LAMB
 2 certain business or a certain person I don't have
 3 to do mailing.
 4 Q. I want to clarify how you know
 5 which case you served a business or served
 6 personally or served by suitable age and
 7 discretion?
 8 A. Can you say it again? Say it
 9 again, sorry.
 10 Q. You testified just now that you
 11 only -- that you don't have to mail the second
 12 copy for a personal service and business service?
 13 A. Right.
 14 Q. I'm trying to figure out how you
 15 know which assignments to mail and which not to
 16 mail? How do you know which cases were suitable
 17 age and discretion and which were not?
 18 A. Because I served it. That is what
 19 I'm saying.
 20 Q. You look through a stack of summons
 21 and complaints and remember how you served each
 22 one?
 23 A. Again, yes, I mean it is not that
 24 long before I go back in the office and also I
 25 have the copies of the worksheet with me.

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1 BENJAMIN LAMB
 2 Q. So you can look at the worksheet
 3 and that will remind you how you did service and
 4 you will know whether to follow up with a mailing?
 5 A. Okay, yes.
 6 Q. I'm asking you.
 7 A. That is what I'm telling you, yes.
 8 Q. What do you do with the second copy
 9 in instances where you did personal service?
 10 A. I reattach it to the worksheet and
 11 turn it in.
 12 Q. Do you ever file affidavits of
 13 service with the court?
 14 A. No.
 15 Q. Do you know what happens to the
 16 affidavits of service that you sign after you sign
 17 them at Samserv?
 18 A. No.
 19 Q. Had you ever heard of Mel S.
 20 Harris & Associates?
 21 A. Yes.
 22 Q. Do you know what they are?
 23 A. One of the consumer debt clients
 24 that he had.
 25 Q. When you say client, are all of the

19 (Pages 70 to 73)

Page 74

1 **BENJAMIN LAMB**
2 **Samserv's clients law firms?**
3 A. No, I don't know that.
4 **Q. Do you know if Mel Harris is a law**
5 **firm?**
6 A. I assume he was.
7 **Q. Are all the procedures and**
8 **practices that you just described the same for**
9 **cases involving Mel Harris as a client?**
10 A. As far as what?
11 **Q. You described going into the office**
12 **and receiving assignments in your box, filling out**
13 **worksheets, submitting the worksheets, signing**
14 **affidavits?**
15 A. Wait a minute. I don't fill out
16 worksheets in the office. I didn't tell you that.
17 **Q. You do fill out worksheets?**
18 A. I do that during the course of my
19 serving.
20 **Q. All of those steps that you take**
21 **from receiving an assignment and signing an**
22 **affidavit of service, are all of those steps the**
23 **same for cases involving Mel Harris?**
24 A. The statement thing.
25 **Q. Would you agree signing the**

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1 **BENJAMIN LAMB**
2 **affidavit of service is the last step that you**
3 **take in completing an assignment?**
4 MR. SKLAR: Objection to form.
5 A. No, not always, if you're asking is
6 that the last thing that I do when I'm done, no,
7 not necessarily, because I may not do that last
8 I'm in. I may do that when I walk in. If I
9 understand you correctly, if you ask me that is
10 what I do when I go on my daily routine and do I
11 do that last and leave, no.
12 **Q. I'm sorry if the question is**
13 **confusing. When you receive an assignment to**
14 **seven process, the first step is that you receive**
15 **the assignment in your box?**
16 A. Yes.
17 **Q. What would you describe as the last**
18 **step?**
19 MR. SKLAR: Not what you have done a
20 particular day, just in terms of assignment.
21 **Q. Per assignment.**
22 A. When I'm done with the assignment
23 after I signed the affidavit and I done the
24 mailing, I'm done. I don't have anything to do
25 with it after that.

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1 **BENJAMIN LAMB**
2 **Q. Do you ever sign affidavits before**
3 **doing the mailing?**
4 A. Sometimes I do, and sometimes I
5 don't. I didn't understand what you are saying.
6 That is what I asked you.
7 **Q. Either signing the affidavit or**
8 **doing the mailing is the last step in completing**
9 **an assignment?**
10 A. Yes.
11 **Q. So, let me just clarify. Wouldn't**
12 **some of the affidavits, wouldn't the affidavits**
13 **where you did substitute service actually say that**
14 **you already did the mailing?**
15 A. No. Because what would happen it
16 would -- the affidavits that I'm signing are
17 affidavits from stuff that I already did. If I'm
18 doing mailing, that is stuff that I'm turning in.
19 It is not the same.
20 **Q. So, you would always from one**
21 **particular assignment, you would always do the**
22 **mailing before signing the affidavit?**
23 A. Okay, let me make sure that I
24 understand you clearly. What it sounds like
25 you're trying to say is, they put in the mailing

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1 **BENJAMIN LAMB**
2 before I actually did it, and that is not the
3 case. That is what you're trying to say, right?
4 **Q. I think that is what you said.**
5 A. No, that is what you're trying to
6 say. I didn't say that.
7 MR. SKLAR: She is just trying to
8 understand the process.
9 **Q. I'm not accusing you of anything.**
10 A. I'm not saying that you're accusing
11 me of anything. That is what it sounded like you
12 were saying. Just because I went in and did the
13 mailings doesn't mean that the affidavits that I
14 signed were from that mailing.
15 **Q. Let me go back to my question.**
16 **What is the last step that you would take in any**
17 **individual assignment?**
18 A. That is what I'm saying again. I
19 guess, all right, for that matter I would guess
20 that the last step I would -- see again, no, I
21 can't say because as I'm thinking about it and
22 talking to you, I can't say. If I serve a paper
23 today and I go in there later on today and they
24 give me the affidavit, I'm doing the mailing that
25 day. So if they give me the affidavit after the

20 (Pages 74 to 77)

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1 BENJAMIN LAMB
2 fact, then we understand it is going to say that I
3 did the mailing today, I came in to do everything
4 today. So they are aware of that. Now if I did
5 it today and I don't go in for a couple of days,
6 it is not going to have the indication until after
7 I go in there. They are going to ask me when I'm
8 doing everything and they are going to put it on
9 there. So I don't know.

10 Like I said, again, I could do a
11 service a day and then go in and do the mailing
12 and everything when I go in after that and/or
13 however it may be. I'm done when I either do the
14 mailing or the affidavit is signed on it, so I
15 don't know what will be.

16 Q. Do you fill out on your worksheet
17 when you do a mailing?

18 A. We used to do that on the
19 worksheets now we don't. If there is any
20 questions it is things done right then and there.
21 One of the young girls will ask me and they will
22 put it in as they do, so everything is done
23 correctly when the mailing is done or what is
24 going on. Because they know I am in there doing
25 the mailing, if that stuff they are getting ready

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1 BENJAMIN LAMB
2 to give me, that is how it would be.

3 Q. As an example you might be
4 preparing an affidavit and they would just ask are
5 you mailing this particular -- in this case are
6 you mailing the summons and complaint today and
7 you would say yes?

8 A. Yes.

9 Q. And they would include that in the
10 affidavit?

11 A. Yes.

12 Q. And print it out for you to sign?

13 A. Yes.

14 Q. Possibly that same day?

15 A. Yes, that same day, yes.

16 Q. But it is possible that you didn't
17 walk out to the mailbox and actually mail those
18 documents until after you signed the affidavit?

19 MR. SKLAR: Objection to form.

20 A. I don't understand what you're --
21 it sounds like you're mixing up what I'm saying.
22 I don't understand what you're saying.

23 Q. I want to understand what you're
24 saying. I'm trying to get the procedure. I
25 understand that Melissa and Seleshia prepare

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1 BENJAMIN LAMB
2 affidavits and print them out for you, and you
3 sign them and your job is done?

4 A. Right.

5 Q. And I guess we are just
6 miscommunicating somehow about the steps involving
7 mailing. So on any one particular case do you
8 ever mail the documents after you sign affidavits
9 saying that you mailed them?

10 A. Are you asking me if everything has
11 already been put in place and everything is on the
12 affidavit and I turned around afterward and mail
13 it?

14 Q. Yes.

15 A. No.

16 Q. You mail it first?

17 A. Yes.

18 Q. The last step that you take in one
19 particular assignment is signing the affidavit of
20 service?

21 A. Signing affidavit of service, yes,
22 now I understand, yes.

23 Q. How much are you paid, Mr. Lamb?

24 A. It all depends on the paper.

25 Q. Are you paid per paper?

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1 BENJAMIN LAMB

2 A. Yes, paid per paper.

3 Q. You just said it varies per paper;
4 is that right?

5 A. Yes.

6 Q. So, can you tell me what you're
7 paid per paper?

8 MR. SKLAR: Current rates?

9 Q. Currently.

10 A. What I'm paid currently per paper?

11 Q. Yes.

12 A. If it is regular, it was a regular
13 summons and not a rush or anything like that then
14 usually 8.50.

15 Q. When you say regular summons?

16 A. Like there is no rush or anything,
17 there is not a rush or anything like that.

18 Q. How much are you paid if there is
19 rush?

20 A. Usually double.

21 Q. What does rush mean?

22 A. Like what you asked about having it
23 be done in a certain amount of time.

24 Q. Is there a window of time that is
25 considered a rush?

21 (Pages 78 to 81)

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1 **BENJAMIN LAMB**

2 A. It could be that day, three days.

3 Q. Are there any other rates of pay,

4 either 8.50 or \$17?

5 A. If I have to do a service by

6 appointment it is usually a little more money.

7 Q. What is service by appointment?

8 A. Where you have to schedule a time

9 to be served.

10 Q. Do you know how much you're paid

11 for those?

12 A. I think it is like \$20.

13 Q. Are there any other rates ever pay?

14 A. Not that I know of, not unless it

15 was maybe it was a special rate worked out, maybe

16 the price would vary but other than that, no.

17 Q. When a specific rate might be

18 worked out, would that be with one particular

19 client?

20 A. I mean that would have nothing to

21 do with me. That would be between the client and

22 Mr. Mlotok.

23 Q. Would that be just one paper?

24 A. That would be the service that is

25 in question, yes.

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1 **BENJAMIN LAMB**

2 Q. Just one --

3 A. Just that one time.

4 Q. One job?

5 A. Yes, that one time.

6 Q. Have you always been paid these

7 rates?

8 A. No.

9 Q. The entire time that you worked at

10 Samserv, are you always paid per paper?

11 A. The whole time.

12 Q. In 1999 do you remember how much

13 you were paid per paper?

14 A. I think it was like maybe \$6, 6.50,

15 something like that.

16 Q. When did it go up?

17 A. I don't remember when.

18 Q. Did it go up gradually?

19 A. More like a few years in between.

20 Q. Do you remember when you started

21 receiving 8.50 per paper?

22 A. Quite a few years ago.

23 Q. Like five years ago?

24 A. Maybe a little more than that.

25 Q. Seven years?

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1 **BENJAMIN LAMB**

2 A. Maybe six, seven years.

3 Q. Are you paid the same amount

4 regardless whether you're serving consumer debt

5 cases or not?

6 A. Yes.

7 Q. It is always 8.50?

8 A. Yes.

9 Q. Do you ever receive any bonus?

10 A. No.

11 Q. Are you paid in cases where you

12 can't affect service?

13 A. Sometimes on a regular papers I may

14 get paid for an attempt of service, but that would

15 vary. It depends on if I had to turn it back in

16 or if I had to go back on it or whatever, then he

17 may pay for the attempt, he may not, it depends.

18 Q. And he you mean Mr. Mlotok?

19 A. Yes, Mr. Mlotok.

20 Q. Can you explain that to me again.

21 If you try to serve papers, you made an attempt to

22 serve papers and you were unsuccessful, Mr. Mlotok

23 may pay you or may not?

24 A. What happens is, if I go to serve

25 the paper and I'm not successful in serving it, I

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1 **BENJAMIN LAMB**

2 either have to return it to him and maybe they

3 check and get a new address or maybe the person

4 doesn't live there anymore or whatever may be, or

5 I have to go back out on it. So it depends on

6 that if they pay for the attempt. If they have a

7 new address I get paid for the attempt because I

8 had to go out there and they don't live there.

9 Q. If someone wasn't home?

10 A. I would have to go back and I had

11 to do some diligence on it and find out the

12 person, maybe they just wasn't home.

13 Q. If you had to go back three times

14 would you get paid for each attempt?

15 A. No, I get paid for the one time

16 that I served. Sorry, hold on. If I had to go

17 back three times because I turned it in and they

18 it gave to me three times and I had to go back,

19 yes, I would get paid for each time.

20 Q. What would determine if you had to

21 give back the papers?

22 A. Like I said, the person is not

23 there and maybe the client that the paper came

24 from they would have -- they want the paper

25 returned if it is not able to be served and they

22 (Pages 82 to 85)

Page 86

1 BENJAMIN LAMB
2 decide what they want to do after that. For those
3 reasons.
4 Q. But if that happened you won't
5 actually go back and try again?
6 A. If they gave it back to me, yes, I
7 would.
8 Q. If Mr. Mlotok told you to go back a
9 second time or a third time, and you were still
10 unsuccessful on the third time, what would happen,
11 would you get paid?
12 A. No, return it -- I mean after the
13 third time in between they would probably ask me
14 to do more things maybe check with some neighbors
15 or talk to a super or something like that to find
16 out. If I have to go back three times you have no
17 information to go on other than somebody being
18 home.
19 Q. Would you get paid for those
20 attempts?
21 A. After the third time of doing that
22 I would get paid for it. I did the diligence work
23 on it, so, yes.
24 Q. Are the rules for whether you're
25 paid, do they depend on whether it is a consumer

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1 BENJAMIN LAMB
2 debt case or not?
3 A. I don't understand.
4 Q. When you're serving consumer credit
5 cases and you're unsuccessful in finding someone
6 at home, are you paid for those attempts?
7 A. No, I just said that to you.
8 Q. Everything that you said is the
9 same for any kinds of case?
10 A. It doesn't matter what kind of
11 case.
12 Q. It doesn't matter whether it is
13 consumer credit?
14 A. Right.
15 Q. If it turned out that the address
16 was correct and you tried to serve it and you
17 bring it back and you said somebody at Samserv
18 would check, if it turns out the address is
19 correct and you went back out, would you be paid
20 for each attempt, for both attempts or just once?
21 A. If they found out -- no, the first
22 one I would get paid for going the first time --
23 all right. First I don't know who would check to
24 find out if the address is correct. You said
25 Samserv, I never told you that. I don't know who

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1 BENJAMIN LAMB
2 does it.
3 The second thing is if I went out
4 the first time on it and there somebody was just
5 not home, there is not a guarantee, yes, I get
6 paid for it until they check it and figure out
7 what is going on and work out whether I get paid
8 for that, paid for that attempt or if it has to go
9 somewhere else. Usually I would get paid for the
10 attempt if we found out for some reason maybe it
11 wasn't just that the person wasn't home, they no
12 longer lived there or something to that effect.
13 Then I would definitely get paid for that. There
14 is no second attempt on the same address if I
15 don't have to go back.
16 If I have to go back there, then of
17 course I have to the diligence on it and go back
18 for that reason. It is not about getting paid for
19 the first time or second time, it is not like
20 that. I would go back and if I could serve the
21 second time then I get paid for the service.
22 Q. You only get paid 8.50 for both
23 attempts?
24 A. I get paid 8.50 for the service.
25 Q. If you have to go back a second or

Page 89

1 BENJAMIN LAMB
2 third time even though you now made two for three
3 visits, you still only get paid for one time?
4 A. Yes.
5 Q. Can you clarify for me if there is
6 any circumstances when you're not paid for a
7 service?
8 MR. SKLAR: Service or attempted
9 service?
10 Q. Attempted service or service.
11 A. I just explained that to you. I
12 mean if I'm going back -- if the address was
13 checked and given back to me, if the address is
14 checked and given back to me and they found the
15 person does live there, I would get paid for --
16 that is the only time that I would get paid for
17 that first attempt on it. And then I get paid for
18 the service. Other than if it was, I was told to
19 go back because we haven't found out anything just
20 they weren't home, I'm not getting paid for it
21 until the service. Or I come back with
22 information that allows me not to go back again.
23 Q. Are you ever not paid at all?
24 A. No, I'm never not paid at all. If
25 I did due diligence on it, I'm entitled to

23 (Pages 86 to 89)

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1 BENJAMIN LAMB
2 something for going to do the service.
3 Q. When you have to make more than one
4 attempt, are you ever paid more than 8.50?
5 A. I'm only paid, again, if the lawyer
6 or whoever actually sends me back out because
7 whatever information, then I would get the 8.50
8 again, other than that, no.
9 Q. Do you know how much other process
10 servers at Samserv are paid?
11 A. No, I don't.
12 Q. Do you have any idea if they are
13 paid differently than you?
14 A. No, I don't.
15 Q. Are you friends with any of the
16 other process servers?
17 A. We are associates.
18 Q. Do you know if Mr. Mosquera is
19 still a server for Samserv?
20 A. No, I don't know.
21 Q. So, can you walk me through what
22 happens when you receive an assignment, how you go
23 about completing service for those assignments?
24 A. I don't understand what you mean.
25 Q. When you receive assignments from

Page 91

1 BENJAMIN LAMB
2 Samserv, you go to Samserv's office as you
3 testified and you get the assignments that are in
4 your cubby hole, do you go out that same day and
5 start serving those papers?
6 A. Sometimes.
7 Q. So you might leave Samserv's office
8 and directly start going and serving?
9 A. Sometimes.
10 Q. How many days a week do you
11 generally serve process?
12 A. Every day except Sunday if I have
13 them.
14 Q. How many hours a day do you work?
15 A. It varies depending on what I feel
16 like, depends on what I have to do or depends if I
17 have anything to do.
18 Q. Can you give me a range?
19 A. I can't, it varies.
20 Q. One day you might work an hour?
21 A. Maybe an hour, maybe not even,
22 maybe a few minutes just to serve a paper.
23 Q. What is a long day for you? What
24 would be the most number of hours that you work in
25 a day?

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1 BENJAMIN LAMB
2 A. I worked for more than 12 hours
3 with a couple of breaks in between. I worked for
4 more than 12 hours.
5 Q. That is not common?
6 A. Not at all.
7 Q. Would you say you worked a normal 7
8 or 8-hour day?
9 A. Sometimes more than that.
10 Q. Do you currently have any other job
11 besides serving process for Samserv?
12 A. No, I don't.
13 Q. When you are serving process, do
14 you drive everywhere?
15 A. Sometimes.
16 Q. When you say sometimes what other
17 means do you use?
18 A. Public transportation.
19 Q. Are there any costs incurred when
20 you drive?
21 A. Yes, gas.
22 Q. Does Samserv reimburse you for your
23 gas?
24 A. No.
25 Q. Do you ever have to pay any tolls

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1 BENJAMIN LAMB
2 or anything like that?
3 A. No.
4 Q. Do you work alone?
5 A. Yes.
6 Q. Do you ever serve with anybody
7 else?
8 A. I have.
9 Q. Can you describe that?
10 A. Somebody will drive for me
11 sometimes.
12 Q. You have someone drive for you,
13 would they be in your car?
14 A. Yes.
15 Q. Do you pay this person?
16 A. No.
17 Q. They were just helping you out?
18 A. Yes.
19 Q. Doing you a favor?
20 A. Yes.
21 Q. How often does that happen?
22 A. Not often.
23 Q. Mean once a week or --
24 A. Not even.
25 Q. Once a month?

24 (Pages 90 to 93)

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1 **BENJAMIN LAMB**

2 A. Maybe twice a month. Maybe,

3 depends on the workload. If I need that kind of

4 assistance.

5 Q. What would make you decide if you

6 need assistance?

7 A. Workload. The workload.

8 Q. Is there a magic number where you

9 think you need some help today?

10 A. No. It all depends on what I'm

11 looking at and the time of the day, try to get

12 some of the stuff knocked out so they could drive

13 and I could run in and out and do what I have to

14 do.

15 Q. How does that help you -- how does

16 having someone drive help you do your job?

17 A. It cuts the time.

18 Q. How so?

19 A. Because I don't have to look for a

20 parking spot, I don't have to take chances with my

21 car like I do most of the time and leaving it on

22 fire hydrants or double parking where I could

23 catch tickets.

24 Q. Do you often get tickets?

25 A. I try not to.

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1 **BENJAMIN LAMB**

2 Q. When you get a ticket, does Samserv

3 reimburse you for those tickets?

4 A. Not at all.

5 Q. How do you decide your route for

6 the day? How do you decide the order that you're

7 going to go in to try to serve process?

8 A. When I look at my papers and set

9 them up I know what I'm going to do for the day.

10 Q. How do you decide that?

11 A. Whatever I feel like doing for the

12 day I set it up.

13 Q. When you say set it up, what do you

14 mean?

15 A. I set them in order so I can go to

16 from place to place.

17 Q. What do you mean by set them in

18 order?

19 A. Set them in order based on the

20 street address.

21 Q. Do you do that on your own or do

22 you use, for example, Google Maps or something

23 like that?

24 A. I do it on my own. If I get thrown

25 off sometimes I may go to Google Maps, sure.

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1 **BENJAMIN LAMB**

2 Q. You could take a look addresses

3 that are on a summons and just figure out the

4 order that you want to serve them in?

5 A. Yes.

6 Q. So you must know New York City

7 pretty well?

8 A. I don't all of New York City, I

9 just do Manhattan and the Bronx.

10 Q. You must know the addresses in

11 Manhattan and the Bronx?

12 A. I know the numbers pretty well,

13 yes.

14 Q. When would you use Google Maps?

15 A. If sometimes I don't recognize a

16 certain street address, I may look and try to find

17 the cross-streets and bring it back.

18 Q. Would you say that Google Maps is

19 pretty accurate

20 MR. SKLAR: Objection to form.

21 A. Actually, I don't particularly like

22 Google Maps. I may try to find a cross-street an

23 and pick it up from there. I don't use navigation

24 and things of that nature. I don't particular

25 care for them.

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1 **BENJAMIN LAMB**

2 Q. Why not?

3 A. I don't care for it, because Google

4 Maps they give you -- Map Quest, things of that

5 nature, they give you way too many in between

6 things because it too straightforward. When you

7 know an area the way that I know areas, you don't

8 have to go through all of that. It takes time

9 going through all of that. It is not necessary.

10 Q. Are you talking about directions?

11 A. Yes.

12 Q. I don't understand, you say there

13 is too many things?

14 A. They give you too many extra steps

15 in between that is not necessary.

16 Q. You feel like you know how to drive

17 somewhere -- you know how to drive from point A to

18 point B in a simpler fashion than what Google Maps

19 or Map Quest tells you to do?

20 A. Sometimes, yes.

21 Q. And you said you serve Manhattan

22 and the Bronx, do you generally choose to do one

23 borough in one day?

24 A. It all depends. Because of what I

25 have, if I could maneuver into both, I will, if I

25 (Pages 94 to 97)

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1 BENJAMIN LAMB
2 don't, I won't. If I feel like doing that much
3 work, I will. If I don't, I won't.
4 Q. It is possible that you would serve
5 in Manhattan and the Bronx in the same day?
6 A. Yes.
7 Q. Why do you only do Manhattan and
8 the Bronx?
9 A. Those are the areas that I chose.
10 Q. Did you tell someone at Samserv
11 that those were the only boroughs that you would --
12 A. When I started at Samserv, I only
13 did Manhattan.
14 Q. Sorry?
15 A. When I started at Samserv I only
16 worked at Manhattan.
17 Q. That was your request?
18 A. That was my request.
19 Q. What made you branch out to the
20 Bronx?
21 A. They needed help in the Bronx, so I
22 learned the Bronx so could help out.
23 Q. Have you ever thought about
24 branching out to any other boroughs?
25 A. No.

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1 BENJAMIN LAMB
2 Q. Why not?
3 A. I don't want to.
4 Q. Why not?
5 A. I'm sufficient where I am.
6 Q. When you decide what service
7 attempts you're going to make in a day, do you try
8 to choose an efficient route?
9 A. Definitely.
10 Q. Do you look for ways to do things
11 efficiently and in the least amount of time as
12 possible?
13 A. As far as what?
14 Q. As far as completing your service
15 for the day?
16 A. Do I try to find a way to get that,
17 maximize my time to do that?
18 Q. Yes, a better way to say it.
19 A. Yes, I do.
20 Q. Thank you. Do you have normal work
21 hours? Do you start at a certain time during the
22 day and end at a certain time?
23 A. No.
24 Q. What determines when you start
25 process serving in a day?

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1 BENJAMIN LAMB
2 A. Me.
3 Q. Just what you feel like?
4 A. Exactly.
5 Q. So, you mentioned earlier that you
6 often times have trouble finding a parking spot so
7 you double park or park in fire hydrants.
8 MR. SKLAR: Objection to form.
9 A. I have.
10 Q. Can you just walk me through what
11 happens when you try and serve someone? You drive
12 to their address, you try to find a parking slot,
13 and then what happens?
14 A. If I can't find one then I take
15 chances with my car and I leave it where it is so
16 I can serve the paper.
17 Q. What is the next step? You leave
18 your car and what is the next step?
19 A. I serve the paper.
20 Q. Can you tell me a little more
21 detail? Do you ring the bell?
22 A. Yes, I ring the bell and knock on
23 the door and whatever is necessary to get into the
24 building or apartment or whatever and I do what I
25 have to do. When I'm done I try to come back

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1 BENJAMIN LAMB
2 down, I try to rush back down after I'm done and
3 pray that I don't have a ticket on my car.
4 Q. If someone doesn't buzz you in, do
5 you try other way to get into a building? I'm
6 talking about an apartment building not a --
7 A. Definitely.
8 Q. -- not an individual house?
9 A. Definitely.
10 Q. What methods do you have to get
11 into a building?
12 A. Ring other bells, sometimes people
13 walk in and out depending on where I am, the
14 building may have high activity, I get in some
15 kind of way.
16 Q. Your goal is to get in to go to the
17 actual apartment?
18 A. Definitely.
19 Q. And then does it ever happen that
20 you can't get into the building?
21 A. Not really, no. I mean usually,
22 like I said, sometimes most buildings have high
23 traffic, so it is not hard. Sometimes you can
24 ring another bell and sometimes they just buzz you
25 right in and they don't ask you who it is or

26 (Pages 98 to 101)

Page 102

1 BENJAMIN LAMB
2 anything.
3 Q. If someone does ask you who are
4 you, do you tell them the truth?
5 A. No.
6 MR. SKLAR: Objection to form.
7 Q. What did you say?
8 A. I try to get into the building,
9 sometimes I'm the super, cable, FedEx.
10 Q. So then you get into the building
11 however you get in there and you get to the
12 person's apartment and then what happened?
13 A. I knock on the door or ring the
14 bell.
15 Q. And if someone asks -- if someone
16 is home and asks you who is at the door?
17 A. I tell him them who I'm looking
18 for.
19 Q. And if they won't open the door, do
20 you have any tactics?
21 A. I usually don't have that type of
22 problem.
23 Q. People open the door for you?
24 A. Yes.
25 Q. What do you say?

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1 BENJAMIN LAMB
2 A. I tell them who I'm looking for and
3 they tell me they are not here, I explain what I
4 have, usually we go through some type of dialogue
5 depending on what happens, if they tell me they
6 are not there or they don't live there, or
7 whatever
8 Q. Tell me what the dialogue is.
9 Let's say the person, the person that you're
10 speaking to says this person is not here.
11 A. I explain that I have some
12 important document for them and I ask them could I
13 leave it with them.
14 Q. You use this term important
15 documents?
16 A. Yes.
17 Q. What do you do then?
18 A. Then I usually leave it with them,
19 they look at it and take the papers and I ask them
20 for the name, their name, I need to verify who I'm
21 leaving it with. I ask them by any chance is this
22 person in the military or whatever, and they like,
23 no. And I get a physical description and I leave.
24 Q. Do you write down that physical
25 description and the person's name while you're

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1 BENJAMIN LAMB
2 standing there?
3 A. No, sometimes I do it when -- after
4 I walk away from them.
5 Q. When you go back out into your car?
6 A. No, I walk away from them.
7 Q. So you're still in the building?
8 A. I'm still in the building.
9 Q. What are you writing it down into?
10 What are you writing it on?
11 A. The work sheet that was attached to
12 the work.
13 Q. You bring the worksheet and the
14 court papers with you when you enter into a
15 building?
16 A. Yes.
17 Q. And then you record the information
18 on the worksheet?
19 A. Yes.
20 Q. What do you do with the worksheet?
21 A. I take it back to the car and
22 usually put it in my book.
23 Q. Your logbook?
24 A. Yes.
25 Q. You physically stick the worksheet

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1 BENJAMIN LAMB
2 in the logbook?
3 A. I physically write the information
4 off the worksheet into the logbook.
5 Q. You do that while you're in your
6 car?
7 A. Yes.
8 Q. And then do you go on to the next
9 place to serve process?
10 A. Yes.
11 Q. On average how long does that
12 process take from the moment you get out of the
13 car to the moment that you get back in your car?
14 A. I don't know. It all depends, if I
15 have to try to get into the building that is going
16 to take a little longer, if I could get right in
17 sometimes it as 1, 2, 3, things, I can't tell you.
18 Q. Can you give me a range?
19 A. No, I can't, because it varies.
20 Q. What is shortest time?
21 A. I served a paper in less than a
22 minute and get back, so.
23 Q. How long would you wait around to
24 try to get into a building before you gave up?
25 A. I mean, I'm there, I'm not just

27 (Pages 102 to 105)

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1 BENJAMIN LAMB
 2 going to give up and leave and act like -- that
 3 doesn't help me.
 4 Q. So you pretty much stay until you
 5 could get in?
 6 A. Yes.
 7 MR. SKLAR: Objection to form.
 8 Q. Today currently, how many service
 9 attempts do you make in an average day?
 10 A. Currently, no, I mean I never know
 11 how many I make in an average day. I never know
 12 that. I set up my work and do I what I do. If I
 13 don't finish, I don't finish it. I don't look
 14 back at it until later on and sometimes I don't
 15 look at it at all.
 16 Q. If you don't finish do you try the
 17 next day do finish it?
 18 A. The next day.
 19 Q. So you don't keep track necessarily
 20 as you go through each day how many service
 21 attempts you're making, but you do record how many
 22 service attempts you're making?
 23 A. I do.
 24 Q. You have never looked at the
 25 worksheets or looked at your logbooks to see how

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1 BENJAMIN LAMB
 2 many you serve in a day?
 3 A. I don't. That is not really a
 4 concern that I did this many a day or I didn't do
 5 that many a day. The objective is for me to get
 6 my work done. I don't look back and say, wow, I
 7 did this today. I don't do that.
 8 Q. You're served per paper, right,
 9 won't that translate to how much you made day?
 10 MR. SKLAR: He is paid per paper.
 11 Q. Aren't you interested in knowing
 12 how much money you made that day?
 13 A. Not necessarily, not all the time.
 14 I'm actually paid when I submit a bill for it. So
 15 if I -- I don't want to look at a day and I only
 16 did a couple of papers that day and I look at a
 17 sad day. I'm more earned concerned that whatever
 18 I put in for I'm paid for that, not so much what I
 19 made each day.
 20 Q. When you plan your day, what is the
 21 highest, largest number of service attempts that
 22 you plan to make in a day? You may not finish, I
 23 understand, what is your goal?
 24 MR. SKLAR: Objection to form.
 25 A. If I understand you correctly, if I

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1 BENJAMIN LAMB
 2 could tell you that, then I could tell you what my
 3 attempts are for the day. I don't know. I set it
 4 up and whatever falls in place with what I'm
 5 setting is already set up. If I get it done, I
 6 get it done. If I don't, I don't.
 7 Q. Do you have any idea what the most
 8 number is that you have done?
 9 A. Again, I set it up, if I get it
 10 done, I get it done and if I don't, I don't.
 11 Q. You mentioned that you submit bills
 12 to Samserv; is that right?
 13 A. Yes.
 14 Q. How often do you submit bills to
 15 Samserv?
 16 A. It depends on what -- it depends on
 17 a couple things. It depends if I need money right
 18 then and there or if I could wait a little longer
 19 I will stretch it.
 20 Q. What do the bills reflect?
 21 A. The work that I done.
 22 Q. Do you indicate the number of
 23 process servings that you have done?
 24 A. No, I show a list what I have done.
 25 Q. A list of what you have done?

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1 BENJAMIN LAMB
 2 A. A list is basically you could say
 3 in other words an itemization of what I done. I
 4 do it off of my logbook.
 5 Q. What does the list say it?
 6 A. It shows the service.
 7 Q. Is it the name of the case?
 8 A. It is everything. It is off of my
 9 logbook.
 10 Q. So everything that is in your
 11 logbook is on your bill?
 12 A. That is what is in the bill, yes.
 13 Q. How do you create the bills?
 14 A. That is what is on the bill, the
 15 actual page logbook is the bill.
 16 Q. Do you photocopy the logbook?
 17 A. I copy the logbook and submit that
 18 as the bill.
 19 Q. You photocopy your logbook and is
 20 there -- do you fill out something that goes on
 21 top?
 22 A. No.
 23 Q. Do you total anything?
 24 A. No. I mean if I total, it is a
 25 personal total, so I can make sure that I keep up

28 (Pages 106 to 109)

Page 110

1 BENJAMIN LAMB
 2 with whatever he is paying me for.
 3 Q. When you total, it would be the
 4 total number of services?
 5 A. Right.
 6 Q. Because you know you would be paid
 7 a set rate per service?
 8 A. Right.
 9 Q. What about for rush jobs, how do
 10 you characterize -- how do you insure that you're
 11 paid for rush jobs?
 12 A. When I hand in -- on the end of the
 13 line when I finish serving I put the information
 14 in and it says rush or whatever time of place, a
 15 summons or order to show cause or whatever the
 16 case may be, it says rush and I know that rush
 17 that I was supposed to get paid for.
 18 Q. How often are you paid by Samserv?
 19 A. Whenever I submit a bill.
 20 Q. How soon after?
 21 A. What do you mean how soon after?
 22 Q. You would go into Samserv and hand
 23 the bill in personally?
 24 A. Yes.
 25 Q. And when do you get the check?

Page 111

1 BENJAMIN LAMB
 2 A. Usually on a Friday.
 3 Q. So you get paid usually the first
 4 Friday after you submit a bill?
 5 A. Any given Friday. He pays on a
 6 Friday. If I go in and submit a bill Wednesday,
 7 Thursday, or whatever, then I should have a check
 8 Friday.
 9 Q. How do you confirm that the bill --
 10 that the check that you received is accurate?
 11 A. Because, like I said, if it looks
 12 funny then I go back and I check my work. I don't
 13 always check it to see what is going on. If it
 14 looks like it is not right, maybe something is
 15 off, I check it and if I have a discrepancy I talk
 16 to them about it.
 17 Q. Who do you talk to?
 18 A. Mr. Mlotok.
 19 Q. When there has been a problem in
 20 the past, what has been the problem?
 21 A. I don't understand that.
 22 Q. You just say you checked the bill,
 23 you checked the check and if there is discrepancy
 24 you talk to Mr. Mlotok. So what kind of
 25 discrepancy or problems?

Page 112

1 BENJAMIN LAMB
 2 A. In payment.
 3 Q. In payment?
 4 A. In payment.
 5 Q. Yes.
 6 A. That discrepancy.
 7 Q. He paid you less than you were
 8 supposed to be paid?
 9 A. Yes.
 10 Q. And when you talked to Mr. Mlotok
 11 about that, what happened?
 12 A. We -- do we sit down and go over
 13 the bill and discuss what was going on, if he owes
 14 me, if he owes me he pays me, if he shows me where
 15 I wasn't getting paid for that for whatever
 16 reason, I understand.
 17 Q. Why wouldn't you get paid for
 18 something?
 19 A. It depends whatever it may have
 20 been, maybe there was an attempt that I made on,
 21 or something that I wrote down at the last point
 22 that I didn't get paid for, it depends.
 23 Q. Have you ever had an experience
 24 where you absolutely couldn't serve someone?
 25 A. Yes.

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1 BENJAMIN LAMB
 2 Q. And what is your procedure for
 3 telling Samserv that? Would you call them from
 4 the field, for example, or would you just wait
 5 until you come back to the office?
 6 MR. SKLAR: Objection to form. You
 7 mean getting into a building and getting to a
 8 person?
 9 Q. Any time that you're not able to
 10 serve someone what is the procedure?
 11 A. Yes, I do call to let them know.
 12 Sometimes it depends on what is going on if it is
 13 really late I write the information down and let
 14 them know the next morning. If I can't serve the
 15 person, I will let them know and put it in writing
 16 and let them though.
 17 MR. SKLAR: Off the record.
 18 (Discussion off the record.)
 19 (Lunch recess taken at 1:05 p.m.)
 20
 21
 22
 23
 24
 25

29 (Pages 110 to 113)

Page 114

1 BENJAMIN LAMB
2 A F T E R N O O N S E S S I O N
3 1:05 p.m.
4 B E N J A M I N L A M B,
5 resumed, having been previously duly sworn,
6 was examined and testified further as
7 follows:
8 BY MS. COFFEY:
9 Q. Mr. Lamb, in your opinion is there
10 a good time of the day to find someone at home, a
11 better time than other times during the day to
12 find someone home?
13 MR. SKLAR: Objection to form. You
14 can answer.
15 A. Not really. I mean you take
16 chances any time finding somebody home.
17 Q. How about days of the week, is
18 there a greater chance of finding someone home on
19 a certain day of the week?
20 A. About the same thing as any time
21 during the day.
22 Q. We talked briefly about Samserv
23 doesn't reimburse you for your gas or your tickets
24 when you get them, does Samserv reimburse you for
25 any other costs?

Page 115

1 BENJAMIN LAMB
2 A. No.
3 Q. Can you give me an estimate of how
4 much you make a year?
5 A. No. As I told you, it varies
6 everything is up and down. I really don't know.
7 Q. Can you tell me how much money you
8 made last year?
9 MR. SKLAR: Objection. You can
10 answer.
11 A. I think it was maybe 16,000,
12 something like that.
13 Q. Since 1999 were there ever any
14 years where you made more than 16,000?
15 A. I just remember last year, because
16 I don't even remember that correctly and the
17 honest part I had the paper in my hand yesterday,
18 and there have been years where I made more money
19 than that, yes.
20 Q. Do you ever ask for more work in
21 order to make more money?
22 A. Sure, who wouldn't.
23 Q. Do you actually ask?
24 A. Yes, I do.
25 Q. You call Samserv and ask do you

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1 BENJAMIN LAMB
2 have more work for me?
3 A. Yes, I do.
4 Q. You don't wait for them to call
5 you?
6 A. No.
7 Q. Do they say yes sometimes?
8 A. Sometimes.
9 Q. And other times?
10 A. No.
11 Q. Has anyone you ever served disputed
12 your service?
13 MR. SKLAR: Objection to form.
14 A. Anyone as in who? I don't
15 understand.
16 Q. You serve Defendants with court
17 papers?
18 A. Yes.
19 Q. Has any Defendants ever disputed
20 your service upon them?
21 A. Are you asking me that have I ever
22 had anybody bring me to Traverse/.
23 Q. As that was my next question, but
24 yes.
25 A. Yes.

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1 BENJAMIN LAMB
2 Q. Do you know how many Traverse
3 Hearings you attended since 1999?
4 A. Four.
5 Q. Were there other Traverse Hearings
6 that were scheduled that you didn't have to appear
7 at?
8 A. Yes.
9 Q. Do you know how many in total?
10 A. Eight or nine.
11 Q. Do you recall if any of those
12 hearings involved Mel Harris cases?
13 A. No. There was none -- was there
14 any from Mel Harris. I think there may have been
15 one.
16 Q. Does Samserv notify you when
17 someone disputes service?
18 MR. SKLAR: Objection to form.
19 A. Notify me how? What do you mean do
20 they --
21 Q. How do you find out about a
22 Traverse Hearing?
23 A. Through Samserv.
24 Q. They call you and tell you?
25 A. Yes.

30 (Pages 114 to 117)

Page 118

1 BENJAMIN LAMB

2 Q. Do they call and tell you what the

3 date of the Traverse Hearing is?

4 A. They call me and tell me that and

5 they will give me paperwork to let me know when

6 the date is.

7 Q. What do you mean by paperwork?

8 A. They may write a note to let me

9 know.

10 Q. Do you ever talk to the attorney

11 for the Plaintiff in the case before the Traverse

12 Hearing?

13 A. Yes, I talk to them if I have to go

14 before -- if they are going forward with it, we

15 will set up a meeting.

16 Q. Do you remember setting up a

17 meeting with Mel Harris?

18 A. No.

19 Q. What were the outcomes of the

20 Traverse Hearings that you attended?

21 A. I think I won two and lost two, I

22 think. Won three and lost one, something like

23 that.

24 Q. Just to clarify, those four

25 hearings you actually testified during the

Page 119

1 BENJAMIN LAMB

2 hearing?

3 A. To be honest, I recall testifying

4 at maybe two right now.

5 Q. So you recall testifying in two

6 hearings but you said ---

7 MR. SKLAR: I think he is thinking.

8 A. Yes, I recall it was either two for

9 three, I'm not sure actually having to testify.

10 Q. You said that you were notified of

11 eight or nine Traverse Hearings?

12 A. Yes, around that, maybe eight or

13 nine.

14 Q. Do you know what happened in the

15 hearings -- in the cases that you did not testify

16 in?

17 A. I really don't recall, but I think

18 it was they settled it some kind of way, so that

19 is why it never went on.

20 Q. Do you recall if any of those cases

21 you came to court but didn't testify?

22 A. One.

23 Q. Do you remember what happened

24 there?

25 A. I think on that particular one --

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1 BENJAMIN LAMB

2 I'm sorry, there were three cases, I testified --

3 there were four cases, I testified in three and

4 one, the people that were -- we were going -- were

5 going to testify on, the other people, the other

6 side, they looked over and saw me and all of a

7 sudden and came back and said they remembered

8 getting the papers from me and decided they didn't

9 want to go forward.

10 Q. So that was one hearing you

11 attended but did not testify at?

12 A. Right.

13 Q. And there were three that you

14 testified at?

15 A. Right.

16 Q. And were there any instances where

17 you came to court and were there any other

18 instance where you came to court and did not

19 testify?

20 A. No.

21 Q. Do you remember any cases where you

22 testified, how you prepared for those hearings?

23 A. Other than going -- looking back

24 for my logbook for how far back it was, and maybe

25 if I had to talk to the attorney for the

Page 121

1 BENJAMIN LAMB

2 Plaintiff, that's about it.

3 Q. Do you remember what you talked

4 about --

5 A. No, I don't.

6 Q. -- with the Plaintiff's attorney?

7 A. No, I don't.

8 Q. And did you have logbooks at all of

9 those hearings?

10 A. Yes.

11 Q. Do you get paid for appearing at

12 Traverse Hearings?

13 A. Yes.

14 Q. Do you remember how much?

15 A. Usually 150.

16 Q. \$150?

17 A. Yes.

18 Q. Did you get paid the one time where

19 you didn't testify?

20 A. Yes.

21 Q. What was the outcome of the three

22 hearings that you testified at, do you remember?

23 A. I think one I lost and the other

24 two I won. You're talking about testifying, the

25 other two I won.

31 (Pages 118 to 121)

Page 122

1 BENJAMIN LAMB
2 Q. Do you remember the names of those
3 cases?
4 A. No.
5 Q. After the Traverse Hearings were
6 scheduled, did anyone from Samserv ask you about
7 them?
8 A. Say that again, after they were
9 what?
10 Q. After you appeared at the Traverse
11 Hearings did anyone from Samserv ask you about the
12 hearings?
13 A. No.
14 Q. Has anyone from Samserv disciplined
15 you for any reason?
16 A. No.
17 Q. Does anyone from Samserv check your
18 logbook?
19 A. Yes.
20 Q. How so?
21 A. They may want to check to see what
22 is going on as to the date, make sure that the
23 entries are in.
24 Q. Who checks your logbook?
25 A. At the time the process server

Page 123

1 BENJAMIN LAMB
2 supervisor will do that.
3 Q. Who is that?
4 A. Miss Lewis.
5 Q. How often would she check your
6 logbook?
7 A. I don't recall. Every couple of
8 months maybe. She didn't do it all the time. She
9 did do it.
10 Q. What kind of procedure was that?
11 A. What do you mean?
12 Q. Would you sit down with her and she
13 would go through the page by page in your logbook?
14 A. Well, not exactly page by page.
15 But we would sit down and she has done that
16 already, and she would leave that and start from
17 where we finished off. However long it has been
18 since she checked it.
19 Q. What was she checking for?
20 A. Just to make sure that your stuff
21 was in order, you kept everything right, you had
22 the page number, things of that nature.
23 Q. Did she ever make corrections to
24 your logbook?
25 A. Make corrections how?

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1 BENJAMIN LAMB
2 Q. Did she tell you to fix anything in
3 your logbook?
4 A. Fix what?
5 Q. You said she was checking for all
6 of those?
7 A. To make sure that I had everything
8 put in like I was supposed to.
9 Q. Was everything always the way it
10 was supposed to be?
11 A. Pretty much.
12 Q. Were there ever any instances where
13 you didn't have page numbers or there was some
14 other sort of problem with your logbook?
15 A. Sometimes, sometimes you don't --
16 sometimes you write and then you have to go back
17 and number the pages, small stuff like that.
18 Q. What would she say?
19 A. She would let me know that I had to
20 get that done, I had to put that in, it that to be
21 right.
22 Q. Did you ever see her checking other
23 process servers logbooks?
24 A. Sure.
25 Q. Do you know whose?

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1 BENJAMIN LAMB
2 A. Offhand, no.
3 Q. When you photocopy your logbooks to
4 attach for bills, do you photocopy them at
5 Samserv's office?
6 A. Yes.
7 Q. Did anyone besides Miss Lewis ever
8 check your logbook?
9 A. Not that I remember, no.
10 Q. Now, Miss Lewis you said she was a
11 former supervisor, does anyone check your logbook
12 now?
13 A. Mr. Mlotok.
14 Q. When was the time that he checked
15 your logbook?
16 A. Maybe a few weeks ago, a month or
17 so ago.
18 Q. Sorry?
19 A. A few weeks, maybe a month,
20 something like that.
21 Q. Has he been checking your logbook
22 ever since Miss Lewis left Samserv?
23 A. Yes.
24 Q. Does anyone else check your
25 logbook?

32 (Pages 122 to 125)

Page 126

1 **BENJAMIN LAMB**
2 A. No.
3 **Q. How regularly does he check it?**
4 A. I can't say how regular it has
5 been. Maybe every other month or so, something
6 like that.
7 **Q. Has he told you to make any**
8 **corrections or to fix anything that is wrong in**
9 **your logbook?**
10 A. There is never any correction,
11 because he is not telling me how to figure out the
12 logbook. Just if I have some things that I didn't
13 fill in and I know I need to fill in and he will
14 point this out. But I haven't had that lately.
15 **Q. What would be something that you**
16 **would have to fill in?**
17 A. Like we discussed, the numbers on
18 the pages, things like that.
19 **Q. Aside from page numbers, was there**
20 **anything else that you would have to fill in?**
21 A. Maybe an index number or an
22 attorney.
23 **Q. Sorry, or?**
24 A. Or the attorney.
25 **Q. Did anyone from Samserv ever**

Page 127

1 **BENJAMIN LAMB**
2 question you about an affidavit of service?
3 A. In what way?
4 **Q. You said people from Samserv**
5 **reviewed your logbooks and pointed out certain**
6 **problems, did any of them ever point out an**
7 **affidavit of service?**
8 A. I didn't say people did anything.
9 **Q. You said Mr. Lewis and Mr. Mlotok,**
10 **that is two people?**
11 A. That was after. It was one.
12 **Q. Did anyone from Samserv ever ask**
13 **you a question or point out a problem with an**
14 **affidavit of service?**
15 A. I mean, they are the ones preparing
16 it, I don't understand how they would ask me a
17 question about an affidavit of service. Is there
18 something else that you're trying to ask me
19 because I'm not getting what you're saying?
20 **Q. I think that answered my question.**
21 **Mr. Lamb, have you ever been**
22 **investigated by the Attorney General or the U.S.**
23 **Attorney's Office for anything related to process**
24 **serving?**
25 MR. SKLAR: Objection to form.

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1 **BENJAMIN LAMB**
2 Whether he was investigated?
3 MS. COFFEY: That is the question.
4 **Q. Have you ever been investigated?**
5 A. By the Attorney General?
6 **Q. Correct.**
7 A. Not that I know of, no.
8 **Q. Have you been investigated by the**
9 **U.S. Attorney's Office?**
10 A. Not that I know of.
11 **Q. Do you know if Samserv has ever**
12 **been investigated by either of those agencies?**
13 A. No.
14 **Q. No, you don't know?**
15 A. No, I don't know.
16 **Q. I believe you have testified it is**
17 **your regular practice to keep a logbook?**
18 A. Yes.
19 **Q. Where do you physically keep your**
20 **current logbook, the one that you brought today?**
21 A. It is in the car with me riding
22 around or sometimes in the house.
23 **Q. Do you regularly take it in your**
24 **house at night or leave it the car?**
25 A. I do sometimes, but not always.

Page 129

1 **BENJAMIN LAMB**
2 **Q. How long do you keep logbooks for?**
3 A. We were keeping them for three
4 years and eight months.
5 **Q. Three years and eight months?**
6 A. Yes.
7 **Q. Do you know why you were keeping**
8 **them for that long?**
9 A. I believe that was the law. That
10 was the law that you had to keep those documents
11 for three years eight months.
12 **Q. Who told you that?**
13 A. I can't remember who told me right
14 now.
15 **Q. And now how long do you keep it?**
16 A. Seven years now.
17 **Q. Where are your old logbooks right**
18 **now?**
19 A. I don't have them anymore.
20 **Q. Why not?**
21 A. Because my car was broken into and
22 recently I had some situation where they were
23 transpired they were left in a home and I'm no
24 longer allowed to go into the home, and I don't
25 know what happened to them.

33 (Pages 126 to 129)

Page 130

1 BENJAMIN LAMB
2 Q. The only logbook that you have is
3 the one that you brought today?
4 A. Yes.
5 Q. Have you ever destroyed any
6 logbooks?
7 A. No.
8 Q. Were you ever told to destroy any
9 logbooks?
10 A. Never.
11 Q. When was your car broken into?
12 A. Several times over the last two
13 years.
14 Q. Can you tell me how many times?
15 A. Four. Maybe, three or four.
16 Q. To clarify your car was broken into
17 or stolen?
18 A. Broken into. And it wasn't just
19 one car. I don't want to make it sound like it
20 was one car. I had a couple of vehicles broken
21 into over the last two years.
22 Q. In 2009 to the present your car or
23 cars had been broken into four times?
24 A. About four times.
25 Q. Items were stolen from inside your

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1 BENJAMIN LAMB
2 car?
3 A. Yes.
4 Q. Including your logbooks?
5 A. Yes.
6 Q. Were your logbooks taken all four
7 times?
8 A. Anything that I had in there that
9 looked of value it was stolen.
10 Q. Is that yes?
11 A. Yes.
12 Q. All four times your logbooks were
13 stolen?
14 A. Yes.
15 Q. Do you think your logbooks look
16 like something of value?
17 A. Yes, what they were in.
18 Q. What were they in?
19 A. A bag.
20 Q. What kind of bag?
21 A. Like a Starter bag, a couple of
22 other bags, regular carry bags.
23 Q. What is a starter bag?
24 A. It is the brand, it is the name.
25 Q. Did you report your car being

Page 132

1 BENJAMIN LAMB
2 broken into to the police?
3 A. Yes, I do.
4 Q. Every time?
5 A. Yes, I did.
6 Q. Did you report your car being
7 broken into and your logbooks stolen to the
8 Department Of Consumer Affairs?
9 A. I believe I did.
10 Q. All four times?
11 A. I believe I did.
12 Q. Do you believe you did or you don't
13 remember?
14 A. I don't remember right now.
15 Q. But you do remember filing police
16 reports?
17 A. I do, I had to.
18 Q. Can you tell me the months, the
19 actual dates that your car was broken into?
20 A. Two years ago, no. My car was just
21 broken into October of last year, October,
22 November of last year.
23 Q. What was the time before that, your
24 car was broken into last October or November, what
25 was the time before that?

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1 BENJAMIN LAMB
2 A. I don't remember.
3 (Lamb Exhibit 2 for identification,
4 Affidavit signed by Mr. Lamb on October 26,
5 2011.)
6 Q. I show you what is marked as
7 exhibit Lamb 2, can you take a look at that.
8 (Witness reviewing document.)
9 Q. Do you recognize in document?
10 A. Yes, I do.
11 Q. Is that an affidavit that you
12 signed on October 26, 2011?
13 A. Yes.
14 Q. Do you see that paragraph four says
15 that you state that in July 20th, '10 your car was
16 broken into?
17 A. Yes.
18 Q. Is there a reason -- do you
19 remember your car being broken into in July of
20 2010?
21 A. Yes, I remember that time, yes.
22 Q. But, just a few minutes ago you
23 couldn't remember?
24 A. I also told you that I also
25 yesterday had held a piece paper and I don't

34 (Pages 130 to 133)

Page 134

1 BENJAMIN LAMB
 2 remember what that number was either.
 3 MR. SKLAR: Just answer her question.
 4 If you remember, you remember. If you don't
 5 remember, you don't remember. We will
 6 proceed at that pace.
 7 Q. Is there a reason that you didn't
 8 include this in your affidavit, the most recent --
 9 your car most recently being broken into?
 10 A. I thought I actually did, but I see
 11 I didn't.
 12 Q. What precinct did you report the
 13 car being broken into?
 14 A. The last one was the 30th precinct.
 15 Q. And the other ones?
 16 A. The others should have been the
 17 30th as well. I don't remember what area I was
 18 in.
 19 Q. Do you know if anyone was arrested
 20 in connection with the breaking in of your car?
 21 A. No, I don't remember.
 22 Q. Were any of your items ever
 23 recovered?
 24 A. No.
 25 (Lamb Exhibit 3 for identification,

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1 BENJAMIN LAMB
 2 Q. How have your logbooks changed over
 3 the years?
 4 A. The only thing is you asking me
 5 about this one and looking based on what you are
 6 talking about on this page, I don't normally keep
 7 it this way. This was like this for a particular
 8 reason.
 9 Q. You're talking about this
 10 particular page?
 11 A. I'm talking about page in
 12 particular to this but everything after the fact
 13 was different. Go ahead.
 14 Q. Just in general, the way that you
 15 keep this logbook?
 16 A. In general, yes.
 17 Q. This logbook is the same that you
 18 have been keeping your logbooks for several years?
 19 A. Yes.
 20 Q. Do you want to explain to me what
 21 makes this page different?
 22 A. Just because of the missing points,
 23 that's all.
 24 Q. Missing points meaning blank lines?
 25 A. Yes.

Page 135

1 BENJAMIN LAMB
 2 Page 12 of Mr. Lamb's logbook.)
 3 Q. I would like to go over your
 4 current logbook. I show you your current logbook
 5 which is opened to what looks like you have marked
 6 as page 12. And we have photocopied it, would you
 7 agree that that is the same page 12 as in your
 8 logbook?
 9 A. Yes.
 10 Q. I'm going to refer to the copy and
 11 you can keep your original?
 12 A. No problem.
 13 MR. SKLAR: Note an objection on
 14 relevance. I believe this postdates the
 15 involvement of the other party in this
 16 lawsuit. So, I'm not instructing him not to
 17 answer at this point in time, but just noting
 18 my objection and we will see where this goes.
 19 Q. Mr. Lamb, do you have a logbook
 20 from 2005 to the present besides this logbook?
 21 A. No, I don't.
 22 Q. So I think we will use this, is
 23 this a fair representation of logbooks that you
 24 kept since 1999?
 25 A. Not entirely, no.

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1 BENJAMIN LAMB
 2 Q. Can you tell me why there are blank
 3 lines on this page?
 4 A. These lines -- at the time like I
 5 said there was lot of things going on last year
 6 and I had a lot of things happening and this is
 7 before we had worksheets on everything. So, some
 8 stuff I had a worksheet for and some stuff I
 9 didn't. That is why you see stuff filled in. The
 10 stuff that I didn't have a worksheet on. The
 11 stuff that I had worksheets for I left space so I
 12 could fill it in. At the time end of my day I
 13 could fill the stuff in. That is what those blank
 14 spaces are, they shouldn't be there, but they are
 15 there.
 16 Q. Has the process that you described
 17 regarding worksheets, is that a different process
 18 now than in the past?
 19 A. The only thing different about it
 20 is that at one point in time it was certain work
 21 that had worksheets and other stuff that you had
 22 the actual paper, you had the paper be served and
 23 you wrote the information based on that.
 24 Q. When did that change?
 25 A. It changed maybe almost a year ago

35 (Pages 134 to 137)

Page 138

1 BENJAMIN LAMB
2 now, he gave you a worksheet for everything. A
3 few months now.
4 Q. Do you remember which kind of cases
5 got worksheets and which didn't in the past?
6 A. I remember the Mel Harris papers
7 having worksheets.
8 Q. Just to clarify, you left certain
9 lines blank without anything written at all in
10 this page 12 of your logbook because you were
11 going to go back in later and fill them in?
12 A. Exactly.
13 Q. Then there are a few lines that
14 have what looks to be a date on the left-hand
15 side, 10/11?
16 A. Yes.
17 Q. And those lines are also blank, is
18 there a difference between the lines that have
19 dates and lines that are just blank?
20 A. The only difference is those are
21 the same spaces like I said for the stuff that I
22 had to fill in but the paper was done on that day.
23 So I had that written as I had to finish putting a
24 the rest of the information in the line.
25 Q. Why haven't you gone back and

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1 BENJAMIN LAMB
2 filled the information in?
3 A. Because, again, like I said, I had
4 a situation going on and I didn't have time to do --
5 to go back and do what I needed to do and I should
6 have done it, but I didn't.
7 Q. Can you turn to page 21 in your
8 logbook.
9 (Lamb Exhibit 4 for identification,
10 Page 21 of Mr. Lamb's logbook.)
11 Q. Page 21 is Lamb Exhibit 4. Does
12 this page -- just to clarify, this is a photocopy
13 of page 21, does that accurately reflect your
14 page 21?
15 A. Yes.
16 Q. So does this page -- is this more
17 of a typical page than the other page that we just
18 looked at?
19 A. Yes.
20 Q. Can you just go through each column
21 and just explain to me what is in each column
22 starting at the left-hand side where it says 12/7?
23 MR. SKLAR: The top line.
24 Q. The top left I assume that means
25 the date?

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1 BENJAMIN LAMB
2 A. Yes.
3 Q. And this was 12/7, 2010; is that
4 right?
5 A. Yes.
6 Q. And then the next column is time of
7 the day, the time of service?
8 A. Yes.
9 Q. And then the next column is the
10 address?
11 A. Yes.
12 Q. That you affected service?
13 A. Yes.
14 Q. And then the next column reflects
15 the Defendant who you affected service on; is that
16 right?
17 A. Yes.
18 Q. And the next column reflects the
19 court in which the case was filed; is that right?
20 A. Yes.
21 Q. And the next column, can you tell
22 me what those number are?
23 A. The top number is the index number
24 and the bottom number is the reference number for
25 the attorney.

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1 BENJAMIN LAMB
2 Q. And then the next column there are
3 some --
4 A. It is attorneys.
5 Q. There are attorneys, why are there
6 not attorneys for every entry?
7 A. They just weren't written in. I
8 know what they are based on some of the numbers on
9 the side. I could tell who they are.
10 Q. The next column is the name of the
11 person served; is that right?
12 A. Yes.
13 Q. And their description?
14 A. Yes.
15 Q. And the description includes
16 generally it looks like whether or not the person
17 is male or female and what color skin they have,
18 their height and weight; is that right?
19 A. Yes.
20 Q. And the next column, does that
21 describe what kind court papers you were serving?
22 A. Yes.
23 Q. Am I right that S-U-M-M refers to
24 summons?
25 A. Yes.

36 (Pages 138 to 141)

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1 BENJAMIN LAMB
2 Q. And then the next column, is that
3 your rate of pay?
4 A. It's a personal note to myself.
5 Q. About your rate of pay.
6 A. Yes.
7 Q. The parenthesis 8.5 refers to
8 \$8.50?
9 A. Yes.
10 Q. Are you aware that New York rules
11 for maintaining logbooks according to Department
12 Of Consumer Affairs requires certain information
13 to be included in your logbook?
14 A. Yes.
15 Q. Are you aware that the name of the
16 law firm is supposed to be included in the
17 logbook?
18 A. Yes.
19 Q. But you agree that on several of
20 these entries there is no law firm listed?
21 A. Yes.
22 Q. Are you aware for every entry there
23 is supposed to be the name of the case, did you
24 know that?
25 A. What do you mean the name of the

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1 BENJAMIN LAMB
2 case.
3 Q. The caption of the case, the title
4 of the case?
5 A. Other than the Defendant you're
6 saying?
7 Q. Yes.
8 A. No, I wasn't aware of that.
9 Q. So, the other logbooks that you
10 have been keeping since 1999, you no longer can
11 find, they also do not have the name of the case
12 in any of the entries?
13 A. No.
14 MR. SKLAR: Objection to form.
15 Q. You also testified before that it
16 is your practice to fill out the logbook at the
17 time of service, right, within minutes after you
18 affect service you fill out the logbook in your
19 car, right?
20 A. Yes.
21 Q. So the prior page that we were
22 looking at was page 12 where there were those
23 missing lines, is it safe to say that you did not
24 fill those out right after you completed service?
25 MR. SKLAR: Objection to form.

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1 BENJAMIN LAMB
2 A. I explained to you that I had a
3 worksheet for it and that is why I wasn't filling
4 it. It helped me to save time so I could do
5 another service.
6 Q. Are you also aware that the rules
7 for effecting service require chronological entry
8 of service in a logbook?
9 MR. SKLAR: Objection to form. You
10 can answer.
11 A. Are you saying it should be
12 numbered from the service that I did and so on
13 from the one service to the next one?
14 Q. Yes.
15 A. Yes.
16 Q. Can you explain on this page two
17 there are certain entries that go from 12/8 to
18 12/11 to 12/13 and back to 12/8?
19 A. If it is like that, what probably
20 happen because I don't remember at this time what
21 probably happened it was written up before it was
22 served. Like the first portion of it was written
23 before it was served.
24 Q. What portion was written?
25 A. This portion.

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1 BENJAMIN LAMB
2 Q. You have to remember everything has
3 to be recorded.
4 A. What I'm saying to you is the
5 left-hand side which has the date and time and the
6 address and things, that stuff was probably
7 written and I didn't get a chance to do it then so
8 I went and did it afterwards. So I probably wrote
9 it for that date -- I probably wrote it in already
10 and then I served it later on or served it before.
11 That is how it probably got out of order that way.
12 Q. So, you may have filled in some of
13 this information before you affected service?
14 A. Not. The only part of the
15 information that was filled out before service is
16 done is the beginning portion which includes the
17 address, the name of the Defendant and the court
18 and index numbers.
19 Q. So, is that your general practice
20 to just --
21 A. It is not a general practice, but
22 it is what happened.
23 Q. In December of 2010 you filled in
24 the address of the Defendant and the name of the
25 Defendant and the court and the index number and

37 (Pages 142 to 145)

Page 146

1 **BENJAMIN LAMB**
2 then do you remember what day you might have
3 filled that out?
4 A. No, I don't remember what day.
5 Like I explained earlier, sometimes I go do
6 certain days and I may get it done and I may not.
7 And I may have filled it in on the day that I was
8 doing it and I didn't get around to doing until
9 later on.
10 Q. On the date on the far left-hand
11 list or far left-hand column reflects the actual
12 date that you did do the service?
13 A. Exactly.
14 Q. For that line?
15 A. Exactly.
16 Q. And you also filled out the exact
17 time that you did it?
18 A. Exactly.
19 Q. And then you filled in the
20 information about who you served at that time as
21 well?
22 A. Exactly. Hold on, at what time?
23 Q. Well, you tell me, you just asked
24 me --
25 MR. SKLAR: Hold on.

Page 147

1 **BENJAMIN LAMB**
2 Q. When did you fill in the columns on
3 the right-hand page regarding who is served?
4 A. When the pay was served.
5 Q. The time that you wrote down and
6 the date that you wrote down, those are written
7 down at the same time that you entered the names
8 and descriptions of people?
9 A. Exactly.
10 Q. Is it your testimony that you don't
11 always fill out your logbook fully after doing the
12 service?
13 MR. SKLAR: Objection to form.
14 A. It is not a practice, no. It has
15 happened, but it is not a practice.
16 Q. How often does it happen?
17 A. It doesn't happen regularly now.
18 It happened before when things got hectic and I
19 had things going on, but since then, no.
20 Q. Since when, what period of time was
21 that happening?
22 A. This was all happening, like I
23 said, I had personal issues and things going on
24 and sometimes I had a heavy workload and sometimes
25 not a heavy workload, depending what was going on

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1 **BENJAMIN LAMB**
2 from the entire year, all of last year. These are
3 things that were done before -- before the new
4 year came in and a little bit later things started
5 to get a little clearer, but I had to get it back
6 together so I don't have a problem with it, this
7 stuff. But this came about so you happen to see
8 it the way it is.
9 Q. If you could turn to page 9 in your
10 logbook.
11 (Lamb Exhibit 5 for identification,
12 Page 9 of Mr. Lamb's logbook.)
13 Q. If you could compare the photocopy
14 of page 9 with your logbook and just confirm that
15 it is the same. Does that photocopy reflect your
16 logbook?
17 A. Yes.
18 Q. This is Lamb 11?
19 MR. SKLAR: 11?
20 MS. COFFEY: I'm sorry, 5.
21 Q. Do you see, Mr. Lamb, at the top of
22 page 9 on the right there is an exhibit tab that
23 says Plaintiff's 2?
24 A. Yes.
25 Q. Can you tell me what that is?

Page 149

1 **BENJAMIN LAMB**
2 A. It is from a Traverse Hearing.
3 Q. When was that Traverse Hearing?
4 A. I don't remember when it was right
5 now.
6 Q. Was it in 2011?
7 A. I don't remember. Yes it had to be
8 2011. Because on this page it is 2010.
9 Q. Do you know which entry the
10 Traverse Hearing is about?
11 A. I don't remember offhand right
12 now.
13 Q. Do you remember what court you were
14 in?
15 A. I think it was a civil case.
16 Q. Do you remember what borough
17 though?
18 A. I think it was the Bronx.
19 Q. Did you testify at that hearing?
20 A. Yes.
21 Q. What did you testify about?
22 A. I think it was a lady saying that
23 she didn't receive the papers or something like
24 that, she didn't get them.
25 Q. Do you remember what law firm was

38 (Pages 146 to 149)

Page 150

1 **BENJAMIN LAMB**
2 **representing the Plaintiff?**
3 A. Not offhand, I don't remember.
4 Q. Do you remember the name of the
5 attorney?
6 A. No.
7 Q. There aren't that many entries on
8 this page, so just reading through them doesn't
9 jog your memory as to what case it was?
10 A. Not offhand, no.
11 Q. At the bottom of the page 9 there
12 are blank lines with lines drawn through them.
13 Can you explain what that is?
14 A. Again, I was supposed to put these
15 entries in later and after I wasn't able to put
16 them back in because the car being broken into and
17 stuff being stolen, I put these lines because it
18 was showing there was nothing that I could put
19 there and it was blank spaces. Instead of being
20 questioned about the blank spaces there was
21 nothing there, I put the lines across.
22 Q. What does your car having been
23 broken into have to do with this?
24 A. Information that I needed -- as a
25 matter of fact this wasn't even about the car

Page 151

1 **BENJAMIN LAMB**
2 being broken into. This was after I got kicked
3 out of the house. This information was in the
4 house.
5 Q. What do you mean by this
6 information?
7 A. This is, again, worksheets that I
8 had to fill information out on, I had to put the
9 information in the book.
10 Q. So the worksheets were in your home
11 and you got kicked out of your home and didn't
12 have access to worksheets?
13 A. I didn't have access to anything, I
14 wasn't allowed back in the home.
15 Q. Why didn't you enter the
16 information from the worksheets into your logbook
17 at the time that you did service?
18 A. Like I said, I being at the time I
19 had work sheets I could put that stuff in after
20 the fact. It wasn't anything that was going on
21 that was detrimental that I had to put it in right
22 then and there. I could have done it after the
23 fact. I would work and put it in afterwards.
24 Q. It is your testimony that you don't
25 complete entries in the logbook contemporaneously

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1 **BENJAMIN LAMB**
2 **with serving process?**
3 A. What does contemporaneously mean?
4 Q. About the same time that you
5 perform service, you don't record that service in
6 your logbook?
7 MR. SKLAR: Objection to form.
8 A. Actually it is not that it was a
9 practice, but that is what was done.
10 Q. Can you explain what you mean by
11 that?
12 A. What I mean by that, where I had
13 worksheets, and I could sometimes get around
14 having to put it in right then and there, I could
15 do it after fact, that is what I would do, I would
16 put it in after the fact to save time so I could
17 get more work done.
18 Q. Don't you always have worksheets?
19 A. There was worksheets only for
20 consumer debt and worksheets for everything came
21 after the fact. At this point there were not
22 worksheets on everything.
23 Q. When were you doing -- when you
24 didn't have worksheets for everything, did you
25 record your entry at the same time as doing the

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1 **BENJAMIN LAMB**
2 **service?**
3 A. When I didn't have worksheets, yes,
4 I did.
5 Q. So for consumer debt cases where
6 you had worksheets, you might not record the
7 information right at that same time that you did
8 the service?
9 A. Not all the time.
10 Q. And now that you have worksheets
11 for all service, you can wait to enter information
12 into your logbooks?
13 A. I can, but I don't.
14 Q. But you have because we are looking
15 at entries in your logbook when you just testified
16 that you could wait and you didn't have anything
17 pressing?
18 A. I did. I don't anymore.
19 Q. You mentioned some personal issues
20 that have affected your ability to do your job.
21 Can you describe what those personal issues are?
22 MR. SKLAR: Objection to form. I
23 instruct him not to answer. This doesn't
24 have anything to do -- by counsel, domestic
25 issues and has nothing to do with this case

39 (Pages 150 to 153)

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1 BENJAMIN LAMB
2 and nothing to do with his ability to do his
3 job and so, next question.
4 MS. COFFEY: He did testify whatever
5 is going on has affected his ability to do
6 his job.
7 MR. SKLAR: To access pieces of
8 paper.
9 MS. COFFEY: I believe he also
10 testified that it affected his ability to
11 record things in chronological order as well.
12 We are going to take a quick break.
13 (Recess taken.)
14 MR. SKLAR: I with would like to note
15 we are back ready to go 42 minutes after the
16 short break. I hope and trust everyone is
17 okay, no medical emergencies, if we could
18 proceed a little bit quicker it will be most
19 helpful.
20 BY MS. COFFEY:
21 Q. Mr. Lamb, just a couple of follow
22 up questions about your car and the unfortunate
23 incident where items were stolen from your car.
24 In addition to your logbooks, do
25 you recall what else was stolen from your car?

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1 BENJAMIN LAMB
2 A. My son's bike was stolen. My
3 digital camera was stolen. I had two or three
4 different game systems that were in there that
5 were stolen. Clothing was stolen.
6 Q. Is that one of the incidents?
7 A. This is in all the incidents,
8 different things were taken each time. Whatever
9 was worth of value was stolen.
10 Q. Were items stolen from your trunk
11 as well or just inside the car?
12 A. It wasn't stolen from the trunk
13 because everything was inside the car or it was
14 like -- the only car I had a regular car that was
15 broken into was a Volkswagon, they stole the radio
16 and things like that. The other cars that I had
17 were broken into were trucks and minivan.
18 Q. There were three different
19 vehicles?
20 A. Three or four different vehicles
21 broken into.
22 Q. You testified before that you kept
23 your logbooks in a bag?
24 A. They were in bags, yes.
25 Q. Why were they kept in bags?

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1 BENJAMIN LAMB
2 A. Why would they be all over the
3 place?
4 MR. SKLAR: You can't ask her
5 questions. You can only can answer her
6 questions.
7 A. They are in a bag because I don't
8 need to have it all over the place. I put it in a
9 bag and put it to the side.
10 Q. After the first time that your
11 logbook was stolen, did you consider maybe
12 bringing it into your home at night with you?
13 A. I did bring things in the house,
14 and it got cluttered and I had to move things back
15 out. Nobody can predict that they are going to
16 break in your car.
17 Q. You testified before that you
18 photocopied your logbook and attach it to your
19 bill to get paid at Samserv?
20 A. Yes.
21 Q. When logbooks were stolen, were you
22 able to get paid from Samserv?
23 A. Yes, this all happen after the
24 fact, these are old books that you're talking
25 about.

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1 BENJAMIN LAMB
2 Q. These are all old books?
3 A. Yes.
4 Q. So, a logbook that you were
5 currently using at the time the vehicle was broken
6 into was never stolen?
7 A. I would keep it with me. That
8 wasn't the case, no.
9 Q. Just to clarify, there are still
10 some logs at your former residence; is that right?
11 A. No, that is not right.
12 Q. No, it is not right?
13 A. I don't know what is at my former
14 residence right now. I was made not to go back in
15 there. I don't know. I know there was a eviction
16 process that took place, if there is anything in
17 there I have no idea. If nothing is in there I
18 don't know.
19 Q. When you left your residence, were
20 there logbooks at your home?
21 A. No, the only thing that I remember
22 being there when I left was some paperwork.
23 Q. Paperwork for work?
24 A. As far as like the worksheets and
25 things that I had to put in the book or things

40 (Pages 154 to 157)

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1 BENJAMIN LAMB
2 related to -- things like that, I don't remember
3 any logbooks being in there, I'm not sure about
4 that.
5 Q. Thank you for clarifying those
6 things.
7 Am I correct that in New York you
8 can do service personally, by substitute service
9 and by what is known as nail and mail?
10 A. That is right.
11 Q. Do you tend to serve people by one
12 form of service more than the other?
13 MR. SKLAR: Objection to form. You
14 can answer.
15 A. I mean I serve papers however I can
16 serve it is how I serve it. However this happens
17 it happens. It is how I serve it.
18 Q. So, would you say you serve them
19 all equally?
20 MR. SKLAR: Objection to form.
21 A. I just explained that I serve the
22 paper however it happens, it is however it
23 happens. I will not say it is all equal, I don't
24 know.
25 Q. Do you ever serve by nail and mail?

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1 BENJAMIN LAMB
2 A. I have.
3 Q. Do you know how many times you
4 have?
5 A. If I can tell you that, I can tell
6 you the rest.
7 Q. Can you tell me how many times you
8 have served by nail and mail in the last month?
9 A. Not offhand, no.
10 Q. But you believe you have served by
11 nail and mail in the past month?
12 A. Yes, I have.
13 Q. You do serve people by personal
14 service?
15 A. Yes, I do.
16 Q. Do you serve people personally more
17 often than you served people by substitute
18 service?
19 A. You asked me the same question, I
20 don't know. I don't keep a record of that. I
21 just do it.
22 Q. Technically you do keep a record?
23 A. I mean I do keep a record. Look, I
24 said I don't refer back to the notes that I did, I
25 put the information in. I'm not keeping a record

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1 BENJAMIN LAMB
2 up here. I did this one personal or I don't do
3 that. If I went back to I could say this is what
4 it is, but offhand, I don't know.
5 Q. Just to clarify, when you receive
6 assignments from Samserv, each assignment should
7 equal one affidavit of service, right?
8 MR. SKLAR: Objection to form. You
9 can answer.
10 A. If you actually -- no. If I think
11 what you're asking me is that it should be one
12 affidavit for each -- just one affidavit for that
13 service, that service.
14 Q. For each assignment?
15 A. I mean, I don't really know if you --
16 I don't know what you mean, there are, sometimes
17 there are multiple Defendants on one assignment.
18 So I don't know.
19 Q. That is a good point. So, you
20 might have one assignment and there would be more
21 than one affidavit of service?
22 A. Right.
23 Q. And in that instance would you get
24 paid for each Defendant, for serving each
25 Defendant?

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1 BENJAMIN LAMB
2 A. That would depend on if that is how
3 I got paid -- the way that I understand I get paid
4 based on how he gets paid for the service. How
5 Mr. Mlotok gets paid. So if Mr. Mlotok gets paid
6 for each Defendant, then I'm sure based on what I
7 would understand, he would pay me for each
8 Defendant. If he doesn't, I get paid for what I
9 get paid for what he gets paid.
10 Q. You testified before that you get
11 paid per paper, so, generally speaking is a paper
12 per case or per Defendant?
13 A. Generally speaking you're right,
14 that would be the case. Like I said also, if
15 there is multiple Defendants for the same case it
16 is not always the way I would get paid for the
17 extra Defendants that go along.
18 Q. When there are multiple Defendants
19 your pay rate can vary depending on how Mr. Mlotok
20 is paid?
21 A. Right.
22 Q. There is also a possibility that
23 you can't affect service on assignment and so
24 there would be no particular affidavit of service,
25 right?

41 (Pages 158 to 161)

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1 **BENJAMIN LAMB**

2 A. No.

3 Q. No, that is not true?

4 A. No, I can't give an affidavit of

5 service if I don't serve the paper.

6 Q. I think we agree on that.

7 Generally speaking the numbers of assignments and

8 the numbers of affidavits should generally match

9 up?

10 A. Yes.

11 Q. With the exceptions that we just

12 talked about?

13 A. Right, okay.

14 Q. So you testified before that you

15 reviewed the affidavits of service that you sign

16 in Mr. Mlotok's office, right, but you don't check

17 your logbook when you're checking the affidavits

18 of service?

19 A. Right.

20 Q. Because, the service was usually

21 done recently or recently to when you're signing

22 those affidavits, so, you recall the particular

23 instances of service, right?

24 A. Recently as in what, like what?

25 You're saying words you have been saying things

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1 **BENJAMIN LAMB**

2 that I didn't say. I need to understand what you

3 you're saying.

4 Q. Maybe you can explain to me?

5 A. You have to explain to me first.

6 MR. SKLAR: Let her ask the question.

7 If you don't understand the question she will

8 do a great job rephrasing or whatever needs

9 to be done.

10 Q. Maybe if you can clarify with me

11 why you don't review your logbook when you're

12 reviewing the affidavit of service?

13 MR. SKLAR: Objection to form. You

14 can answer.

15 A. I just don't review my logbook.

16 There is not particular reason why. Like I said,

17 a lot times the service is not that far in between

18 from the time I did it so -- but I also explained

19 sometimes I don't always look over them as

20 thoroughly as I should.

21 Q. Have you ever been concerned about

22 the fact that Samserv filing affidavits by you,

23 these sworn statements that they are filing these

24 in the court?

25 A. Am I concerned about it?

Page 164

1 **BENJAMIN LAMB**

2 MR. SKLAR: Objection to form. You

3 can answer.

4 A. I don't understand what you mean by

5 concerned about it.

6 Q. When you seen affidavits you're

7 swearing that the information in the affidavit is

8 true, right?

9 A. Right.

10 Q. So, are you concerned that there is

11 information that may not be accurate and you're

12 signing it anyway?

13 A. Actually, no. I'm not really. I

14 really wasn't worried about the fact about it not

15 being accurate, no.

16 Q. And you know that the affidavits

17 are then filed in the courts, right? We talked

18 about that before.

19 A. Right, we did.

20 Q. And do you know that falsely

21 signing or signing something that is false that

22 you swear to be true could be considered perjury?

23 MR. SKLAR: Objection to form.

24 A. I think I kind of understand what

25 you're saying, but in that particular instance I

Page 165

1 **BENJAMIN LAMB**

2 didn't -- I mean -- you're saying basically if

3 there was a typo and I signed it, then I'm lying?

4 Is that what you're saying?

5 Q. I'm not the person who would make

6 that decision. I'm just asking.

7 A. That is the question that you're

8 asking. I'm asking if that is what you're saying.

9 Q. I'm asking if you understand

10 signing something false can be considered perjury?

11 A. And I'm asking you again, are you

12 asking me if I signed a piece of paper and there

13 was a typo, that I'm lying?

14 Q. Do you think there are any error in

15 the affidavits of service that you signed? The

16 only errors are typos, is that your testimony?

17 MR. SKLAR: Objection to form.

18 A. Would it be the only -- the would

19 the only errors be typos, yes, it would be.

20 Q. Do you have any estimates on how

21 many services you make on a regular basis on a

22 regular day on an average day?

23 MR. SKLAR: Objection to form, asked

24 and answered. You can answer it again.

25 A. I think you asked me before and I

42 (Pages 162 to 165)

Page 166

1 BENJAMIN LAMB
2 told you I don't. Some days I have good days and
3 some days I have okay days and some days I do
4 almost nothing.
5 Q. Do you know that Samserv's records
6 show that on more than 200 days you affected more
7 than 30 services?
8 A. No, I don't know what their records
9 show.
10 Q. Does that sound plausible?
11 A. You said on what. Say it again.
12 Q. More than 30 services in one day?
13 A. Sure.
14 Q. How about more than 40?
15 A. Sure.
16 Q. How about more than 50?
17 A. Yes.
18 Q. More than 60?
19 A. Yes.
20 Q. More than 70?
21 A. It can be.
22 Q. More than 80?
23 A. It depends.
24 Q. You think it is possible that or
25 likely that you serve more than 90 services on one

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1 BENJAMIN LAMB
2 day?
3 MR. SKLAR: Objection to form.
4 A. Basically I said it all depends.
5 There is a lot of different things that come into
6 play. If you serve from the start of the day to
7 the close of the day, then, you know, I should say
8 the close of my day, whatever that may be. I
9 could be serving all hours. I serve papers, if I
10 get a groove going and everything is kind of close
11 by, sure you can.
12 Q. Do you think that is true for
13 specific -- you're capable of serving more than a
14 hundred in a day?
15 MR. SKLAR: Objection to form, you
16 can answer.
17 A. I don't know about maybe over a
18 hundred, close to that, maybe about that, sure you
19 can, depending on what time you start and what
20 time you finish.
21 Q. You don't recall how often that may
22 have happened?
23 A. As far as what happening?
24 Q. You served more than 90, more than
25 100?

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1 BENJAMIN LAMB
2 A. If there were a couple of days like
3 that, I'm not really sure of it now, I mean it's a
4 possibility, it may have been that, close to that.
5 Over that, I don't know. I'm not going to say it
6 was a regular basis that I was serving 90 papers a
7 day, no.
8 (Lamb Exhibit 6 for identification,
9 Affidavit of service from a case LR Credit 14
10 LLC against Marlen Gutierrez.)
11 (Lamb Exhibit 7 for identification,
12 Affidavit of service in the case LR Credit 14
13 LLC against Carbett Green.)
14 Q. I show whether you is marked as
15 Lamb Exhibit 6. Do you recognize this document?
16 A. This particular document, I
17 recognize the document yes, but not this
18 particular one, no.
19 Q. What do you mean by that?
20 A. I mean I know this is an affidavit
21 of service for Samserv.
22 Q. Is it an affidavit of service with
23 your signature on it?
24 A. Yes, it is.
25 Q. What kind of service is alleged on

Page 169

1 BENJAMIN LAMB
2 this affidavit?
3 MR. SKLAR: For the record, Lamb
4 Exhibit 6 is an affidavit of service from a
5 case LR Credit 14 LLC against Marlen,
6 M-a-r-l-e-n Gutierrez, G-u-t-i-e-r-r-e-z,.
7 Exhibit 7 is an affidavit of service
8 in the case LR Credit 14 LLC Carbett,
9 C-a-r-b-e-t-t, Green.
10 MS. COFFEY: I hadn't shown him
11 Exhibit 7 yet.
12 MR. SKLAR: Okay, that's fine.
13 Q. I think I had an outstanding
14 question about what kind of service is alleged in
15 this affidavit?
16 A. Suitable age service.
17 Q. What is the date that the service
18 was affected?
19 MR. SKLAR: Objection to form. You
20 can answer.
21 A. The date says Saturday,
22 December 8th, 2007.
23 Q. What time does the affidavit say
24 that service was affected?
25 A. 7:00 a.m.

43 (Pages 166 to 169)

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1 BENJAMIN LAMB

2 Q. And you testified that you signed

3 this affidavit and it's a form statement, right?

4 A. Yes.

5 Q. Now, I will show you Exhibit 7,

6 Lamb Exhibit 7 is an affidavit LR Credit 14 versus

7 Carbett Green. What kind of service is described

8 as being affected on this affidavit?

9 A. Suitable age service.

10 Q. What is the date that service was

11 affected?

12 A. December 8th, 2007.

13 Q. What is the time service was

14 affected?

15 A. 7:00 a.m.

16 Q. The address that this service was

17 affected?

18 A. The address on this one -- which

19 one 7 or 6?

20 Q. Seven?

21 A. Seven is 2979 Edison Avenue.

22 Q. What was the address on Lamb 6

23 which is the Gutierrez affidavit of service?

24 A. 887 Hunts Point Avenue.

25 Q. So, would you agree that it is not

Page 171

1 BENJAMIN LAMB

2 possible to have served process at these two

3 different addresses on the same day at the exact

4 same time?

5 A. Yes, I would.

6 Q. Do you have any explanation for why

7 these two affidavits of service that you signed

8 and are sworn to have the same date and time on

9 them?

10 A. The only thing that I could give

11 you for an explanation, it's a typo.

12 Typographical error.

13 (Lamb Exhibit 8 for identification,

14 Affidavit of service in LR Credit 14 versus

15 Natasha Santos.)

16 Q. I show you what I marked as Lamb

17 Exhibit 8, which is an affidavit of service in LR

18 Credit 14 versus Natasha Santos, what kind of

19 service is described as being affected in this

20 affidavit?

21 A. Suitable age.

22 Q. What is the date of service?

23 A. December 8th, 2007.

24 Q. What time of service?

25 A. 7:58 a.m.

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1 BENJAMIN LAMB

2 Q. What is the address?

3 MR. SKLAR: Just to note for the

4 record just to be complete the affidavit does

5 say at approximately the time of 7:58 a.m.

6 Q. Did you say what the address is?

7 A. 1263 Boyton Avenue.

8 Q. And you signed this affidavit,

9 right?

10 A. Yes.

11 (Lamb Exhibit 9 for identification, LR

12 affidavit of service entitled Credit 14

13 versus David Jones.)

14 Q. I show what is a marked as Lamb

15 Exhibit 9 which is an LR Credit 14 versus David

16 Jones, affidavit of service. Mr. Lamb, what kind

17 of service is alleged to be affected in this case?

18 A. Suitable age.

19 Q. What is the date of service?

20 A. December 8th, 2007.

21 Q. And the time of service?

22 A. 7:58 a.m.

23 Q. What is the address of service?

24 A. 1817 Story Avenue.

25 Q. So, do you agree that these are two

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1 BENJAMIN LAMB

2 affidavits of service that allege service was

3 affected on the same day at the same time at two

4 different addresses?

5 MR. SKLAR: Objection. The document

6 speaks for themselves, you can answer.

7 A. Exactly.

8 Q. And again, it would be impossible

9 to serve two people at these two different

10 addresses at the same time, correct?

11 A. Exactly.

12 Q. Is it your testimony that the only

13 explanation for the occurrence of two affidavits

14 attesting to service at the exact same time is a

15 typographical error?

16 A. That is the only thing that it can

17 be.

18 (Lamb Exhibit 10 for identification,

19 Affidavit of service for LR Credit 14 versus

20 Wanda Santiago.)

21 Q. I show you Lamb Exhibit 10, LR

22 Credit 14 versus Wanda Santiago. Can tell me what

23 type of service is alleged to have been effected

24 in that case?

25 A. Suitable age.

44 (Pages 170 to 173)

<p style="text-align: right;">Page 174</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. What is the date of service?</p> <p>3 A. December 8, 2007.</p> <p>4 Q. And what is the time of service?</p> <p>5 A. 11:30 a.m.</p> <p>6 Q. What is the address of service?</p> <p>7 A. 2245 Randall Avenue.</p> <p>8 Q. And you signed that affidavit of</p> <p>9 service, right?</p> <p>10 A. Yes, I did.</p> <p>11 (Lamb Exhibit 11 for identification,</p> <p>12 Affidavit of service for LR Credit 14 versus</p> <p>13 Nicole Wallace.)</p> <p>14 Q. I show you Lamb Exhibit 11 LR</p> <p>15 Credit 14 versus Nicole Wallace. What is the date</p> <p>16 of service on this case according to this</p> <p>17 affidavit of service?</p> <p>18 A. This one that you just gave me.</p> <p>19 Q. Against Miss Wallace, yes?</p> <p>20 A. December 8th, 2007.</p> <p>21 Q. What is the time?</p> <p>22 A. 11:30 a.m.</p> <p>23 Q. And what is the address that is on</p> <p>24 this affidavit of service?</p> <p>25 A. 1570 Crotona Park East.</p>	<p style="text-align: right;">Page 176</p> <p>1 BENJAMIN LAMB</p> <p>2 understands.</p> <p>3 A. Ask me again, the actual what?</p> <p>4 Q. The typographical error that I</p> <p>5 don't remember referring to, is the actual date</p> <p>6 and the actual time that service was affected?</p> <p>7 A. Actually the only thing that I can</p> <p>8 say about it as far as the typographical error</p> <p>9 would be the time of service. Because I don't</p> <p>10 know -- I can't refer back now to tell you if the</p> <p>11 date is actually correct or not, because I don't</p> <p>12 remember. And which one was served at that point</p> <p>13 in time, at that time, I don't remember and I</p> <p>14 can't look back and prove it to show you the</p> <p>15 affidavit is an error. But it is definitely an</p> <p>16 error from one of those two things.</p> <p>17 Q. Meaning the date and/or the time?</p> <p>18 A. Yes.</p> <p>19 THE WITNESS: Can I ask my attorney a</p> <p>20 question?</p> <p>21 MR. SKLAR: There is no question</p> <p>22 pending. Let's take a two-minute break.</p> <p>23 (Recess taken.)</p> <p>24 MR. SKLAR: Do you want him to look</p> <p>25 for these to see if there is other typos</p>
<p style="text-align: right;">Page 175</p> <p>1 BENJAMIN LAMB</p> <p>2 Q. Did you testify, I'm sorry if you</p> <p>3 already answered this, what kind of service is</p> <p>4 this?</p> <p>5 A. Suitable age.</p> <p>6 Q. And that affidavit was also signed</p> <p>7 by you, right?</p> <p>8 A. Yes.</p> <p>9 Q. So, Lamb 10 and Lamb 11 both state</p> <p>10 that service was affected at two different</p> <p>11 addresses on the same date at the same time?</p> <p>12 A. Yes.</p> <p>13 MR. SKLAR: Let her finish.</p> <p>14 Q. It is your testimony that the only</p> <p>15 way these two affidavits would state that service</p> <p>16 was affected the same day at the same time at</p> <p>17 different addresses is because of a typographical</p> <p>18 error?</p> <p>19 A. Yes.</p> <p>20 Q. The typographical error is the</p> <p>21 actual date and the actual time that someone was</p> <p>22 supposedly served, right?</p> <p>23 MR. SKLAR: Objection to form. I</p> <p>24 don't understand the question.</p> <p>25 MS. JAIN: He can say if he</p>	<p style="text-align: right;">Page 177</p> <p>1 BENJAMIN LAMB</p> <p>2 other than the date that he mentioned, do you</p> <p>3 want him to look to see if there is anything</p> <p>4 else.</p> <p>5 MS. JAIN: I don't understand are you</p> <p>6 asking her what questions you want her to</p> <p>7 ask?</p> <p>8 MR. SKLAR: Just say you pointed out</p> <p>9 to me, if you want to mention it.</p> <p>10 A. I was basically what it is, another</p> <p>11 I'm looking at it now and I'm seeing.</p> <p>12 MR. SKLAR: Referring to Exhibit 11.</p> <p>13 A. There was a Miss Mary. The woman</p> <p>14 as name it was Mary there is two Rs, I wouldn't</p> <p>15 have written that. There is no way for me to</p> <p>16 write that. It may be a small point but it is</p> <p>17 still a point and it is something that I missed in</p> <p>18 reading it.</p> <p>19 Q. I appreciate that, but would you</p> <p>20 agree that a typographical error where someone's</p> <p>21 name is misspelled where there is an extra R in</p> <p>22 this instance with Miss Mary, that could be</p> <p>23 considered a typographical error, but the error</p> <p>24 that we are talking about, the date and time of</p> <p>25 service is actually a little more serious than a</p>

45 (Pages 174 to 177)

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1 **BENJAMIN LAMB**
2 **typo?**
3 MR. SKLAR: Objection to form.
4 A. Actually I just said I don't know,
5 it may be a small point but a point nonetheless
6 that you can make those errors and I don't
7 remember reading somebody's writing and don't
8 understand what you're reading, it will or assume
9 it to be one thing it will come out like that.
10 Q. The point of an affidavit of
11 service is to accurately describe when someone was
12 served with notice about a court case, right?
13 A. Right.
14 Q. So, a fundamental part of the
15 affidavit is getting the date and the time of the
16 person served, correct, right?
17 MR. SKLAR: Objection to form, you
18 can answer.
19 A. Say that again.
20 Q. An affidavit of service the whole
21 point of it is to document when someone received
22 notice about a court case, right?
23 A. Yes.
24 Q. So, the date and time that someone
25 received notice about a court case is a critical

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1 **BENJAMIN LAMB**
2 **part of the affidavit, right?**
3 MR. SKLAR: Objection to form.
4 A. Actually, yes. All of it is
5 critical. But again, something passes you while
6 you're doing things, I didn't notice them.
7 (Lamb Exhibit 12 for identification,
8 Affidavit of service for LR Credit 14 versus
9 Dulce Camilo.)
10 Q. I give you Lamb Exhibit 12. LR
11 Credit 14 versus Dulce Camilo. Can you tell me
12 what kind of service was affected according to
13 this affidavit of service?
14 A. Suitable age service.
15 Q. And on what date was service
16 affected?
17 A. December 8th, 2007.
18 Q. At what time?
19 A. 8:47 a.m.
20 Q. What was address?
21 A. 2526 Saint Raymond's Avenue.
22 Q. You signed this affidavit swearing
23 that the information in it was true; correct?
24 A. Yes.
25 (Lamb Exhibit 13 for identification,

Page 180

1 **BENJAMIN LAMB**
2 Affidavit of Service for LR Credit 14 versus
3 Jose Baldera.)
4 Q. This is Lamb Exhibit 13. Which is
5 LR Credit 14 versus Jose Baldera. Can you tell me
6 what kind of service is affected in this case?
7 A. This was suitable age service.
8 Q. On what date?
9 A. December 8th, 2007.
10 Q. At what time?
11 A. 8:47.
12 Q. What address?
13 A. 11:54 Elder Avenue.
14 Q. So, Lamb Exhibit 12 and Lamb
15 Exhibit 13 both indicate that service was affected
16 on the same date at the same time at two different
17 addresses, right?
18 A. Yes.
19 Q. And both of these affidavits are
20 signed and sworn to by you?
21 A. Yes.
22 (Lamb Exhibit 14 for identification,
23 Affidavit of service for LR Credit 14 versus
24 Thelma Williams.)
25 Q. This is Lamb Exhibit 14. This is

Page 181

1 **BENJAMIN LAMB**
2 LR Credit 14 versus Thelma Williams. Can you tell
3 me what kind of service was affected in this case?
4 A. Suitable age.
5 Q. And on what date?
6 A. December 8th, 2007.
7 Q. What time?
8 A. 9:59 a.m.
9 Q. What address was service affected
10 at?
11 A. 1553 Union Port Road.
12 (Lamb Exhibit 15 for identification,
13 Affidavit of service for LR Credit 14 versus
14 Anthony Vargas.)
15 Q. I show you Lamb Exhibit 15 which is
16 LR Credit 14 versus Anthony Vargas. Can you tell
17 me what date service was affected?
18 A. December 8, 2007.
19 Q. What kind of service was affected?
20 A. Suitable age.
21 Q. At what time?
22 A. 9:59 a.m.
23 Q. What is the address that service
24 was affected on?
25 A. 729 Thieriot Avenue.

46 (Pages 178 to 181)

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1 BENJAMIN LAMB
2 Q. Would you agree that both of these
3 affidavits indicate service was affected on the
4 same day at the same time at two different
5 addresses?
6 A. Yes.
7 Q. And you signed both of these
8 affidavits swearing what they said was true,
9 right?
10 A. Yes..
11 (Lamb Exhibit 16 for identification,
12 Affidavit of service for LR Credit 14 versus
13 Bobby Garcia.)
14 Q. I show you Lamb Exhibit 16 which is
15 LR Credit 14 versus Bobby Garcia. Can you tell me
16 what kind of service was affected in this case?
17 A. Suitable age.
18 Q. On what date?
19 A. December 8th, 2007.
20 Q. At what time?
21 A. 12:00 p.m.
22 Q. What address was service affected
23 at?
24 A. 2219 Sinatis Avenue
25 (Lamb Exhibit 17 for identification,

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1 BENJAMIN LAMB
2 Affidavit of service for LR Credit 14 versus
3 Carolyn Williams.)
4 Q. I show you Lamb Exhibit 17 which is
5 LR Credit 14 versus Carolyn Williams. Can you
6 tell me what kind of service is affected in this
7 case?
8 A. Suitable age.
9 Q. And on what date?
10 A. December 8th, 2007.
11 Q. What time?
12 A. 12 p.m.
13 Q. At what address?
14 A. 1734 Adam Street.
15 Q. So, again, these are two affidavits
16 that you signed, right, you signed both of these
17 affidavits?
18 A. Yes, I did.
19 Q. And they both indicate service at
20 the same time on the same date at two different
21 addresses which is impossible, right?
22 A. Exactly.
23 Q. I would like to also point your
24 attention to the date that these affidavits were
25 signed, do you see what date those affidavits were

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1 BENJAMIN LAMB
2 signed by you?
3 A. Signed by me, the 18th.
4 Q. December 18th, 2007?
5 A. November.
6 Q. No, December 18th, 2007; is that
7 right?
8 A. The date that I signed it?
9 Q. Both of them.
10 A. I believe so. I'm not sure, but I
11 believe so.
12 Q. Do the affidavits show the date of
13 December 18th, 2007?
14 A. Do they show it, they show
15 December 18th, 2007. It was served on the 8th
16 and signed on 18th.
17 Q. You signed them both on the same
18 date?
19 A. It was served on the 8th, what are
20 you asking me.
21 Q. I'm asking you the date that you
22 signed the affidavit?
23 MR. SKLAR: Each one was signed on
24 the 18th.
25 A. The 18th not the 8th.

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1 BENJAMIN LAMB
2 Q. December 18th, 2007, you agree that
3 you signed both of them on that day?
4 A. Yes.
5 Q. Is it odd that you signed them both
6 on the same date and didn't notice the fact that
7 they were both served at the same time on the same
8 date?
9 MR. SKLAR: Objection to form.
10 A. You're asking me is it odd that I
11 didn't notice that?
12 Q. Yes.
13 A. No, it is not odd that I didn't
14 notice that.
15 Q. Why is that?
16 A. Because as I explained before, I
17 miss things in signing them and if it was a lot of
18 them to go through, I probably didn't go through
19 all of them like I should have. So no, it is not
20 odd.
21 Q. Do the what you described as
22 typographical errors on affidavits, might they
23 also involve indicating the wrong type of service?
24 MR. SKLAR: Objection to form.
25 A. No, I don't think that would be the

47 (Pages 182 to 185)

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1 BENJAMIN LAMB
 2 case, because if I served personally I would write
 3 personal on the worksheet. If I served suitable
 4 age, there is a person's name on the worksheet.
 5 Q. Mr. Lamb, have you ever been
 6 arrested?
 7 MR. SKLAR: Note my objection. You
 8 can ask him if he was ever convicted of
 9 anything having to do with a felony
 10 conviction or a conviction having to do with
 11 dishonesty or anything of that sort. That is
 12 permissible under the Federal Rules. But a
 13 fishing expedition will not happen here.
 14 MS. JAIN: This isn't a trial. If
 15 your objection is to form. That is the
 16 question.
 17 MR. SKLAR: It is an objection.
 18 Discovery is not unlimited and if want to ask
 19 him if he ever say convicted of a felony or
 20 convicted of anything having to do with
 21 dishonesty for false statements, you can ask
 22 him that, otherwise I instruct him not to
 23 answer.
 24 Q. Mr. Lamb, do you remember filling
 25 out a license application and license renewal for

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1 BENJAMIN LAMB
 2 your process serving license?
 3 A. Yes.
 4 Q. Do you recall one of the questions
 5 being whether you have been arrested for
 6 committing a crime.
 7 A. No.
 8 (Lamb Exhibit 18 for identification,
 9 Renewal application for the Department Of
 10 Consumer Affairs.)
 11 Q. I show you what is marked as Lamb
 12 Exhibit 18 which is a renewal application for the
 13 Department Of Consumer Affairs. If you look at
 14 the bottom of the first page under part three you
 15 see a question number 1B. "Are you now facing any
 16 pending criminal or civil charge."
 17 A. Yes.
 18 Q. And it looks like you marked off
 19 both yes and no?
 20 A. Yes.
 21 Q. Can you explain why you marked yes
 22 and no?
 23 MR. SKLAR: Hold on a second. Okay.
 24 You can answer that.
 25 A. Because the first question asked me

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1 BENJAMIN LAMB
 2 are you convicted of anything and I put no and the
 3 reason I think -- when was this, 2008, if I'm
 4 right, I'm not sure, I'm not really sure. As a
 5 matter of fact -- no, it was a mistake with the
 6 yes. That is a mistake, I don't remember at that
 7 time what it was. Maybe I hit that by mistake, I
 8 don't remember.
 9 Q. So in February of 2008 when you
 10 applied for a license renewal you were not facing
 11 any pending criminal or civil charges?
 12 A. Not that I recall at that time, no.
 13 Q. Since then have you been convicted
 14 of any crime?
 15 MR. SKLAR: Objection. Convicted of
 16 a felony or any crime having to do with
 17 dishonesty or false statements.
 18 Q. Can you answer that question?
 19 A. Are you asking what, have you been
 20 conflicted of a felony?
 21 Q. Yes.
 22 A. No.
 23 Q. Have you been convicted of any
 24 crime, Mr. Lamb?
 25 MR. SKLAR: I instruct him not to

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1 BENJAMIN LAMB
 2 answer that particular question.
 3 MS. COFFEY: I think we are done,
 4 Mr. Lamb, but I want to confer with my
 5 colleagues for a moment and see if I have any
 6 additional follow-up questions.
 7 (Recess taken.)
 8 BY MS. COFFEY:
 9 Q. Mr. Lamb, just one more question.
 10 I know had it has been a long day. One more
 11 question before we part ways.
 12 Have you discussed this lawsuit
 13 with Mr. Mlotok at all?
 14 A. No, we don't talk about it.
 15 Q. Have you ever talked with him about
 16 it?
 17 A. The only time I talked with him
 18 when he told me I had to meet with the lawyer.
 19 Q. How about when you found out about
 20 the lawsuit?
 21 A. No, we didn't go through all that.
 22 He told me he had to do what he had to and he told
 23 me that we had a lawyer.
 24 Q. What do you mean he had to do what
 25 he had to do?

48 (Pages 186 to 189)

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1 **BENJAMIN LAMB**
2 A. He started making phone calls
3 trying to find somebody to defend the situation.

Q. In the beginning when you both found out about the lawsuit?

A. Right.

MS. COFFEY: Thank you..

(TIME NOTED: 4:17 P.M.)

BENJAMIN LAMB

Subscribed and sworn to before me
this _____ day of _____, 2011.

1
2 C E R T I F I C A T E
3 STATE OF NEW YORK)
4 : ss.
5 COUNTY OF NEW YORK)

I, WILLIAM VISCONTI, a Shorthand Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That BENJAMIN LAMB, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this ____ day of _____, 2011.

WILLIAM VISCONTI

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1
2 STATE OF NEW YORK) Pg__ of __Pgs
3 ss:
4 COUNTY OF NEW YORK)

I wish to make the following changes, for the following reasons:

PAGE LINE

CHANGE:

REASON: _____

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REASON: _____

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REASON: _____

E X H I B I T S		
DESCRIPTION		PAGE
(Lamb Exhibit 1 for identification, Document previously marked Lewis 2.)	34	
(Lamb Exhibit 2 for identification, affidavit signed by Mr. Lamb on October 26, 2011.)	133	
(Lamb Exhibit 3 for identification, Page 12 of Mr. Lamb's logbook.)	134	
(Lamb Exhibit 4 for identification, page 21 of Mr. Lamb's logbook.)	139	
(Lamb Exhibit 5 for identification, Page 9 of Mr. Lamb's logbook.)	148	
(Lamb Exhibit 6 for identification, affidavit of service from a case LR Credit 14 LLC against Marlen Gutierrez.)	168	

Page 194		Page 196	
1		1	
2	E X H I B I T S	2	E X H I B I T S
3	DESCRIPTION PAGE	3	DESCRIPTION PAGE
4	(Lamb Exhibit 7 for 168	4	(Lamb Exhibit 17 for 182
5	identification, affidavit of	5	identification, Affidavit of
6	service in the case LR Credit 14	6	service for LR Credit 14 versus
7	LLC against Carbett Green.)	7	Carolyn Williams.)
8	(Lamb Exhibit 8 for 171	8	(Lamb Exhibit 18 for 187
9	identification, affidavit of	9	identification, renewal
10	service in LR Credit 14 versus	10	application for the Department
11	Natasha Santos.)	11	Of Consumer Affairs.)
12	(Lamb Exhibit 9 for 172	12	
13	identification, LR affidavit of	13	
14	service entitled Credit 14	14	
15	versus David Jones.)	15	
16	(Lamb Exhibit 10 for 173	16	
17	identification, Affidavit of	17	
18	service for LR Credit 14 versus	18	
19	Wanda Santiago.)	19	
20	(Lamb Exhibit 11 for 174	20	
21	identification, Affidavit of	21	
22	service for LR Credit 14 versus	22	
23	Nicole Wallace.)	23	
24		24	
25		25	
Page 195			
1			
2	E X H I B I T S		
3	DESCRIPTION PAGE		
4	(Lamb Exhibit 12 for 179		
5	identification, affidavit of		
6	service for LR Credit 14 versus		
7	Dulce Camilo.)		
8	(Lamb Exhibit 13 for 179		
9	identification, affidavit of		
10	Service for LR Credit 14 versus		
11	Jose Baldera.)		
12	(Lamb Exhibit 14 for 180		
13	identification, affidavit of		
14	service for LR Credit 14 versus		
15	Thelma Williams.)		
16	(Lamb Exhibit 15 for 181		
17	identification, Affidavit of		
18	service for LR Credit 14 versus		
19	Anthony Vargas.)		
20	(Lamb Exhibit 16 for 182		
21	identification, Affidavit of		
22	service for LR Credit 14 versus		
23	Bobby Garcia.)		
24			
25			

50 (Pages 194 to 196)